

State of Missouri Public Defender Commission



Fiscal Year 2006 Annual Report

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson, State Public Defender, Director
Cathy R. Kelly, Acting Director
Kathleen L. Lear, Comptroller/Legislative Liaison

[Http://www.publicdefender.mo.gov](http://www.publicdefender.mo.gov)

October 1, 2006



**Office of the State Public Defender
231 East Capitol**

Jefferson City, Missouri 65101
573-526-5210 – Phone 573-526-5213 – Fax

J. Marty Robinson
Director

Kathleen L. Lear
Comptroller

M E M O R A N D U M

TO: Governor Blunt
Chief Justice Wolff
Members of the Supreme Court
Members of the General Assembly
Presiding Judges

FROM: J. Marty Robinson, Director
Cathy R. Kelly, Acting Director
Members of the State Public Defender Commission

A handwritten signature in black ink, reading "Cathy R. Kelly", is written over the text "Cathy R. Kelly, Acting Director".

DATE: October 1, 2006

RE: Fiscal Year 2006 Annual Report

This Annual Report provides a snapshot of a public defender system in crisis. This is not news to many of you. Many among your number have not only already recognized the problem, but are also already working to address it.

At the close of the last legislative session, President Pro Tem Michael Gibbons appointed an Interim Senate Committee on the Public Defender to examine and explore solutions for the public defender caseload and attorney retention crises. Chaired by Senator Jack Goodman and made up of Sen. Gibbons, Sen. Luann Ridgeway, Sen. Joan Bray and Sen. Chuck Graham, this Interim Committee has been holding hearings to assist them in developing legislation to address and avert this crisis. Representatives Jim Lembke and Rachel Bringer, as well as Senator Maida Coleman, have been serving on the Missouri Bar Task Force on the Public Defender to elicit ideas and support for solutions from members of the judiciary, prosecuting attorneys, bar association leaders, the defense bar, public defender commissioners, and the governor's general counsel. Awareness of the crisis has grown, both within the legal community and within the public at large, as evidenced by the growing media coverage of the issue. Ideas abound and both energy and commitment to finding solutions are strong. We are hopeful.

And yet, as we present this Annual Report, we remain a public defender system in crisis struggling with staggering caseloads and 116% attorney turnover in the last six years. Many of our attorneys are handling caseloads close to twice the Department of Justice's national standards for public defender caseloads, even as they remain the lowest paid public

defenders of any statewide public defender system in the country - even after last year's repositioning adjustments. To top things off, two months ago, the American Bar Association issued an ethical advisory opinion warning that public defenders have the same ethical obligations as private attorneys not to take on more cases than they can effectively handle; and reminding the legal community that public defenders can face professional discipline for violating that ethical obligation. Not surprisingly, few lawyers are willing to risk their licenses and hard-won legal reputations to remain in jobs with bottom-of-the-legal-barrel salaries and a staggering workload, no matter how devoted they may be to public service. Something must change.

Unlike other state agencies with multiple missions, the Missouri State Public Defender System is tasked with only one responsibility: meeting the state's constitutional obligation to provide effective assistance of counsel to those who are charged in Missouri's criminal courts and are unable to afford their own attorneys. The workload is determined by the number of cases that come through the door and the level of service required is constitutionally mandated. There are no expendable programs. The only option for cutting back on services to fit within existing staffing levels is to refuse to provide representation in new criminal cases, a move that would precipitate a constitutional crisis in Missouri's courts and, inevitably, a federal lawsuit against the state. The solution must come from outside the Public Defender System and it must come soon.

This year's budget request from the Missouri State Public Defender asks for 107 new attorneys, just to handle the existing caseload under the Department of Justice's National Advisory Commission's recommended caseloads for public defenders. This number does not take into account any projections of what caseload may be for the coming year, but only addresses the caseload we already have. An alternative budget proposal requests the creation of a case overload appropriation from which to pay private attorneys to handle those cases in excess of applicable national caseload standards. Contracting cases out is the more expensive option, but either would bring critical caseload relief and place Missouri back on sound constitutional ground in its provision of indigent defense.

The Missouri State Public Defender has also requested additional increases in attorney salaries and consideration of a loan forgiveness or loan repayment assistance plan in hopes of stemming the tsunami of public defender turnover. The continual recycling of attorney positions has a direct impact on the caseload crisis. As experienced attorneys leave and are replaced by new, inexperienced ones, cases are delayed time and time again. More time is spent by the few remaining experienced attorneys training the new ones, leaving even less time for work on their own cases. The result is that victims and defendants wait longer and longer for their day in court, while jails and court dockets bulge with old cases. The risk of an innocent person being convicted and the risk of an accurate conviction being overturned due to ineffective assistance of counsel continue to rise. Either way, the citizens of Missouri are not being well-served.

A study of the Missouri Public Defender System by The Spangenberg Group, an independent consultant and provision of defender services around the country retained by the Missouri Bar last November, verified the crisis we have described above. It also found that we have an immensely dedicated, hard-working group of employees who care tremendously about the work they do. Last year, our attorneys donated over 25,000 hours of overtime to the state of Missouri and forfeited back to the state an average of 42 hours of unused vacation time - above the 320 hours of accumulated leave they are allowed to bank. They are giving their all, but they can't do it by themselves. They need and deserve help, just as Missourians as a whole need and deserve justice and an indigent defense system that lives up to constitutional guarantees. Many of you share that opinion and are working to make it a reality. We thank you for efforts.

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Public Defender Commission
Annual Report - Fiscal Year 2006

I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This was accomplished through an organized program able to respond to the needs of all judicial jurisdictions within the state. As the caseloads have increased with no corresponding increase in resources, the Public Defender is no longer capable to respond to all of these needs.

THE CONSTITUTIONAL MANDATE FOR PUBLIC DEFENSE

The United States Supreme Court has interpreted the Sixth Amendment of the U.S. Constitution to require the appointment of counsel in any state or federal criminal prosecution that may lead to imprisonment for any period of time.

See generally, *Alabama v Shelton*, 535 US 654, 662 (2002); *Strickland v Washington*, 466 U.S. 688, 684-86 (1984); *Scott v Illinois*, 440 U.S. 367, 373-74 (1979); *Argersinger v. Hamlin*, 407 U.S. 25, 30-31 (1972); *Gideon v. Wainwright*, 372 U.S. 335, 342-45 (1963).

CONSTITUTION OF THE UNITED STATES OF AMERICA

BILL OF RIGHTS, AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

CONSTITUTION OF THE STATE OF MISSOURI

ARTICLE I, SECTION 18(A)

That in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

Indigent Defense Services in Missouri: A Time Line

1963— *Gideon v. Wainwright*: The U.S. Supreme Court ruled that the Sixth Amendment to the U.S. Constitution's guarantee of the right to assistance of counsel in one's defense in a criminal prosecution extended even to those unable to hire their own attorney.

1972— Missouri enacted Chapter 600 gathering together a blended system of local public defender offices and appointed counsel programs under the auspices of a Public Defender Commission. Funding was provided by federal Law Enforcement Assistance Grants through the Department of Justice. In Missouri, these funds, along with additional "High Impact" grants for urban areas, were used to create public defender offices in St. Louis and Kansas City; and to pay appointed counsel in the rest of the state.

1977— Eighteen of Missouri's 43 judicial circuits were covered by public defender offices, with the remainder still relying on an appointed counsel system under which the judge assigned cases to members of the private bar. OSCA administered the program for the Public Defender Commission.

1982— The Office of the Missouri State Public Defender was created as an independent state department within the judicial branch. The appointed counsel program was eliminated in favor of contract counsel - private practitioners who agreed to take on all indigent clients in a particular area in return for a set contract fee, with supplemental adjustments as appropriate based on numbers and types of cases.

1989— Due to the rising cost of the contract counsel program and the increasing difficulty finding private practitioners willing to take on indigent cases for the fees paid by the State Public Defender System, the system was reorganized under the administration of Governor John Ashcroft. The new system eliminated all contract arrangements and replaced them with public defender offices, staffed with full time public defenders, covering all counties in the state.

The Missouri State Public Defender System was also reorganized at that time into three legal services divisions -- Trial, Appellate/Post-Conviction Relief, and Capital - in order to improve efficiency through specialization of practice areas. The Trial Division (a map detailing the trial district offices can be found on page 60 of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at trial and on appeal when the death penalty is sought by the prosecution, has offices in Kansas City, St. Louis, and Columbia.

Because of the caseload overload, almost all District Defenders are also carrying full caseloads, leaving little to no time to attend to management responsibilities such as coaching, training, mentoring their employees; monitoring and correcting employee performance; addressing personnel issues; ensuring compliance with such federal mandates as Federal Wage and Hour laws, FMLA, etc. This failure contributes to turnover as employees become frustrated with the lack of supervisor support and responsiveness, jeopardizes client services as new attorneys are left without adequate supervision, and leaves the state at risk of liability due to these management failures.

Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not comprised.

To provide this uncompromised advocacy, the Missouri State Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

What Does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originated. After an accused makes application for public defender services, the public defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is indigent and eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may the court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file appropriate motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty and to probation revocation matters.

MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, MSPD is operating in crisis mode and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day."

Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

An American Bar Association Opinion issued on July 6th, 2006 reiterates that Public Defenders are as obligated as any other attorney under their ethical and professional obligations to refuse cases when caseloads become too high for them to adequately handle the workload and to provide adequate representation. In Missouri, there is currently no back-up plan in place for provision of counsel, should the public defenders have to refuse cases in accordance with their ethical and professional obligations not to take on more cases than they can effectively handle.

Using data from fiscal year 2006, a composite example of a “typical trial division public defender” can be developed. In Fiscal Year 2006, the Trial Division of the Public Defender System opened 86,368 new cases. In Fiscal Year 2006, the Trial Division was allocated 292 attorney positions. Therefore, the “typical trial division public defender” opened 296 cases. This is well above the Department of Justice’s National Advisory Commission on Criminal Justice Standards (NAC) recommended caseload for public defenders. The NAC standard is 225 cases per year.

The breakdown by category of cases handled by the “typical trial division defender” is shown below:

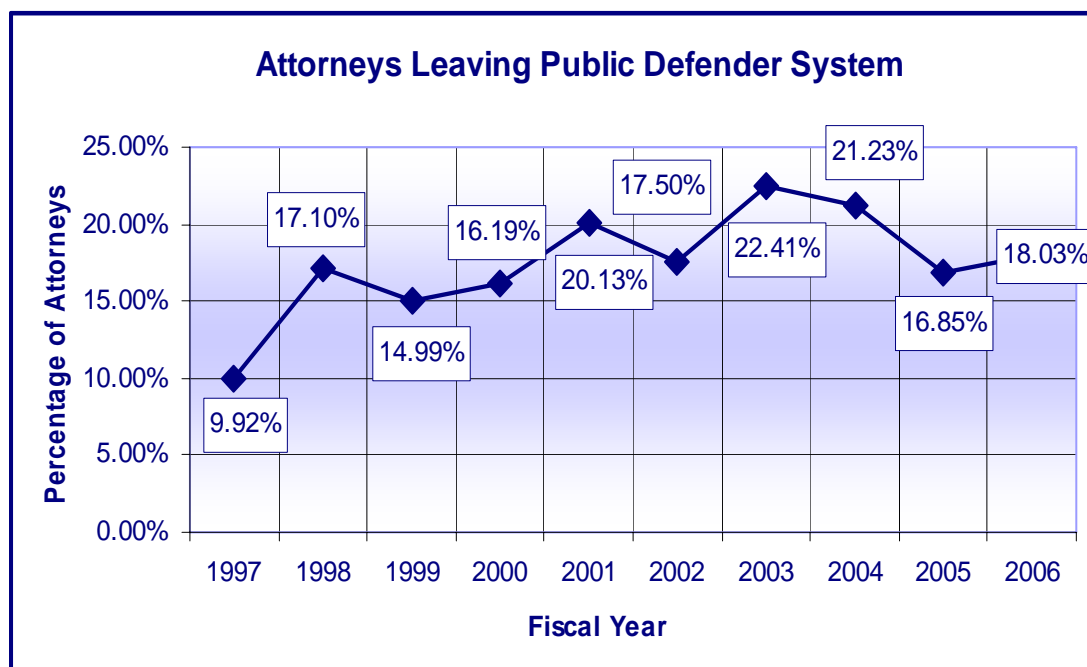
FY2006 State Public Defender—Trial Division Typical Caseload	
Description	# of Cases
Homicide	1
A-B Felony	24
C-D Felony	96
Misdemeanor	61
Traffic	35
Juvenile	13
Probation Violations	66
Total Average Caseload Per Trial Division Attorney	296

Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys and support staff.

Over the last six years, MSPD has experienced the equivalent of 116% turnover in its attorney staff, averaging a 20% turnover each year. This past year, repositioning adjustment increases were given to MSPD attorneys to try to stem the flow, but the problem is far from solved. Staggering student debt loans (\$60,000–\$100,000) make it impossible for even those called to public interest employment to work for MSPD, make their loan payments, and provide for themselves and their families.

Public Defender salaries have not kept pace with those in the rest of the legal community. As a result of the relatively low salaries, high caseloads and heavy student loan debt, attorney turnover continues to be a challenge.

In March of 2006, the Personnel Advisory Board of the Office of Administration reviewed the salaries of the Missouri Assistant Public Defenders. Their summary stated: “the pay of the Missouri Assistant Public Defenders is behind the pay of comparable jobs or jobs requiring similar training and experience in the labor market.” “...the minimum starting salary for MSPD Assistant Public Defenders would need to increase 14.5% to equate to the reported average minimum rate of pay of collected survey data.”



Caseload and Cost Highlights

A. Caseload

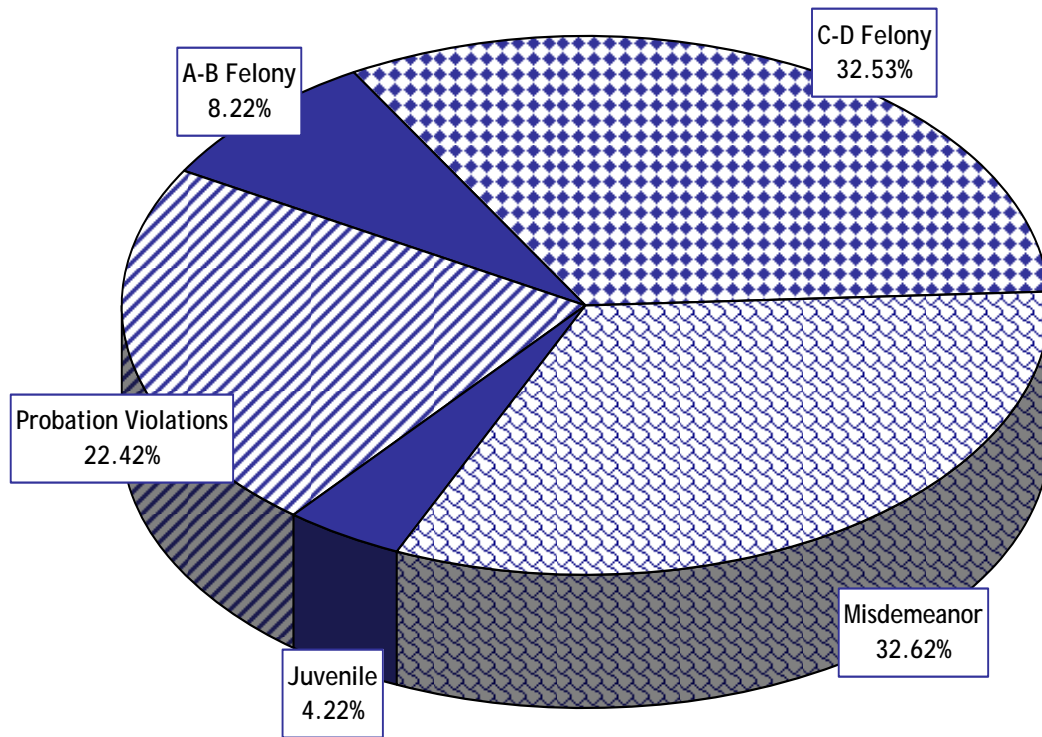
1. New Cases

The State Public Defender System's Trial Division opened 86,368 new cases in Fiscal Year 2006, an increase of 547 from Fiscal Year 2005 or .065%.

MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

Fiscal Year 2006 Trial Division Opened Cases by Case Type		
Type Code	Description	Cases Opened
10	Murder - Death Penalty	8
15	Homicide - Non Capital	111
62	Sexually Violent Predator	38
20	Other Homicides	139
30	A-B Felonies	6,802
35	C-D Felonies	28,092
40	Misdemeanor	15,826
45	Misdemeanor - Traffic	12,345
50	Juvenile Status	496
52	Juvenile Criminal	3,146
65	Probation Violation	19,365
	Total Trial Division Cases Opened 2006	86,368

Fiscal Year 2006
Trial Division Opened Cases
By Case Type



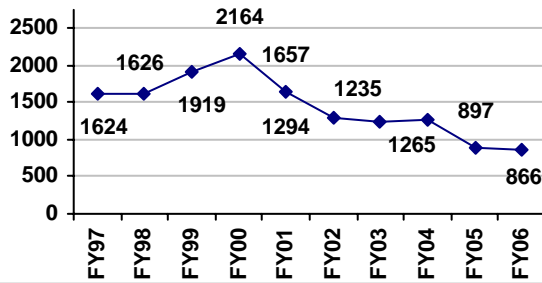
Felony Cases Opened	35,190 or 40.74% of the total caseload
Misdemeanor Cases Opened	28,171 or 32.62% of the total caseload
Probation Violation Cases Opened	19,365 or 22.42% of the total caseload
Juvenile Cases Opened	3,642 or 4.22% of the total caseload

TRIAL DIVISION NEW CASES OPENED
FIVE FISCAL YEAR COMPARISONS - FY2002 to FY2006
BY DISTRICT

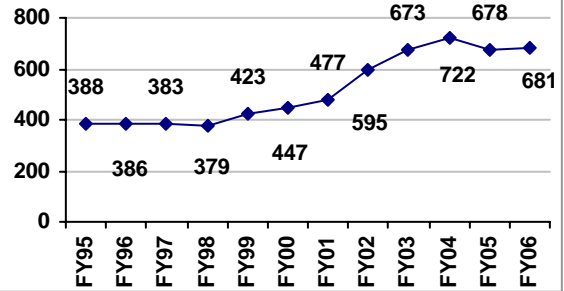
District #	District Name	FY02 Cases Opened	FY03 Cases Opened	FY04 Cases Opened	FY05 Cases Opened	FY06 Cases Opened	# Change 2002 to 2006	% Change 2002 to 2006
1	St. Louis Juvenile	1,294	1,235	1,265	897	866	-428	-33.08%
2	Kirksville	595	673	722	678	681	86	14.45%
4	Maryville	617	708	736	627	531	-86	-13.94%
5	St. Joseph	2,192	2,317	2,276	2,336	2,417	225	10.26%
6	Kansas City Juvenile	996	1,306	1,322	1,434	1,203	207	20.78%
7	Liberty	3,358	3,593	3,582	3,489	3,415	57	1.70%
10	Hannibal	1,302	1,483	1,588	1,670	1,546	244	18.74%
11	St. Charles	1,943	1,824	1,680	1,670	1,710	-233	-11.99%
12	Fulton	1,536	1,645	1,778	1,964	1,780	244	15.89%
13	Columbia	3,933	4,044	4,348	4,082	4,713	780	19.83%
14	Moberly	1,268	1,378	1,536	1,628	1,556	288	22.71%
15	Sedalia	1,558	1,780	2,018	1,934	2,002	444	28.50%
16	Kansas City	8,115	9,210	9,577	8,520	8,135	20	0.25%
17	Harrisonville	2,281	2,554	2,627	2,655	2,656	375	16.44%
19	Jefferson City	1,135	1,318	1,264	1,120	1,214	79	6.96%
20	Union	1,615	1,946	1,615	1,534	1,479	-136	-8.42%
21	St. Louis County	4,121	3,553	3,204	3,698	3,968	-153	-3.71%
22	St. Louis City	7,543	5,928	7,848	7,649	6,924	-619	-8.21%
23	Hillsboro	1,584	1,852	1,897	2,614	1,915	331	20.90%
24	Farmington	1,987	2,213	2,312	2,163	2,275	288	14.49%
25	Rolla	3,001	3,274	3,489	3,202	3,926	925	30.82%
26	Lebanon	2,429	2,727	2,501	2,630	2,844	415	17.09%
28	Nevada	1,288	1,268	1,338	1,407	1,213	-75	-5.82%
29	Carthage	4,444	4,225	4,306	4,372	4,166	-278	-6.26%
30	Buffalo	1,189	1,622	1,900	1,926	1,903	714	60.05%
31	Springfield	3,787	4,165	4,562	4,923	5,561	1,774	46.84%
32	Cape Girardeau	2,522	2,890	2,837	2,562	2,863	341	13.52%
34	Caruthersville	1,167	1,123	1,049	1,062	1,112	-55	-4.71%
35	Kennett	1,737	1,838	1,951	1,694	1,693	-44	-2.53%
36	Poplar Bluff	1,573	1,708	1,712	1,844	1,871	298	18.94%
37	West Plains	999	1,025	1,170	1,071	1,152	153	15.32%
39	Monett	2,437	2,438	2,074	2,058	2,215	-222	-9.11%
43	Chillicothe	2,356	2,444	2,685	2,519	2,590	234	9.93%
44	Ava	611	740	686	817	865	254	41.57%
45	Troy	932	999	1,240	1,372	1,366	434	46.57%
49	St. Louis Conflicts	718	645		0		-718	-100.00%
71	Commitment Defense					42		
Total Trial Division		80,163	83,691	86,695	85,821	86,368	6,163	8.35%
New Cases								
		FY2002	FY2003	FY2004	FY2005	FY2005	FY02 to FY06	

New Cases Opened - By District FY1995 to FY2006

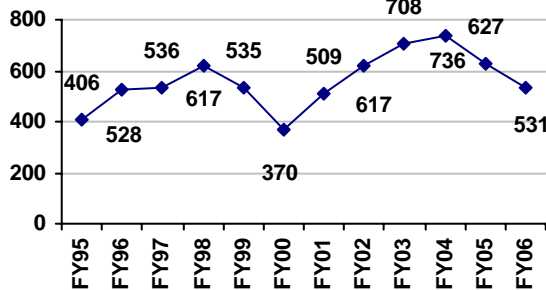
DISTRICT 1
- St. Louis Juvenile -



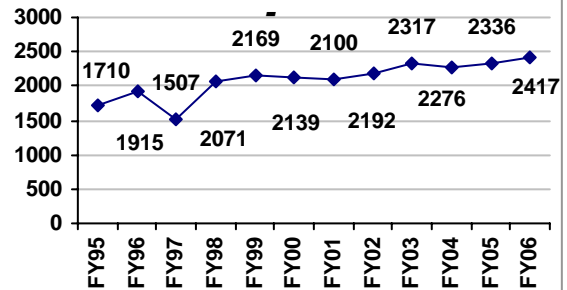
DISTRICT 2
- Kirksville -



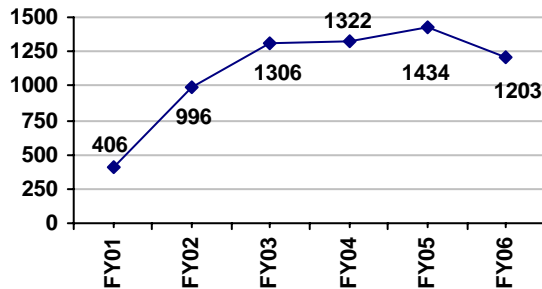
DISTRICT 4
- Maryville -



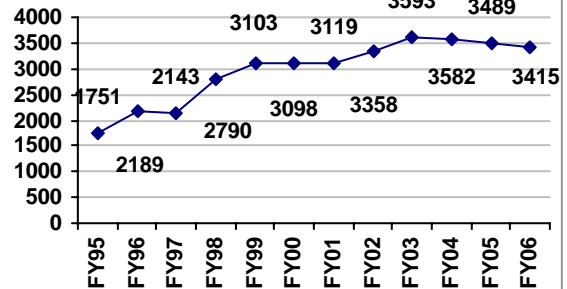
DISTRICT 5
- St. Joseph -



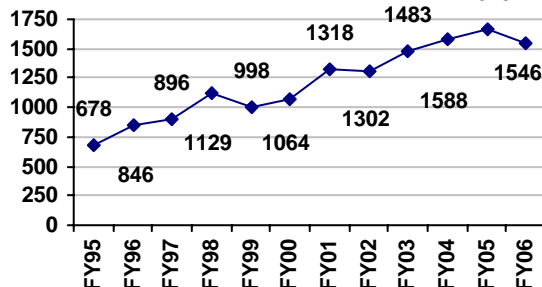
DISTRICT 6
- Kansas City Juvenile -



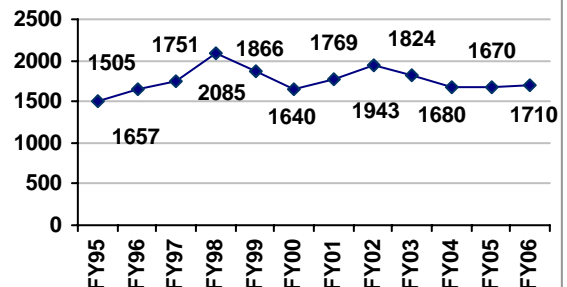
DISTRICT 7
- Liberty -



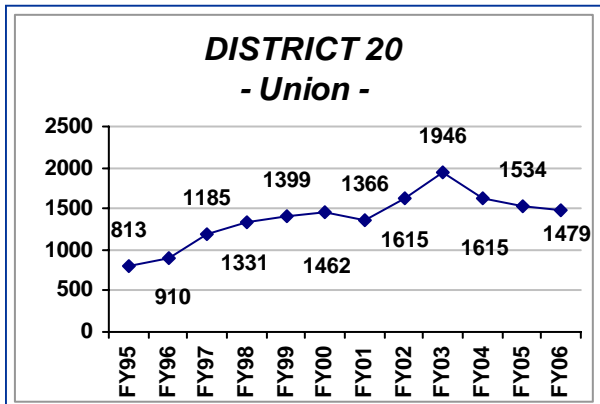
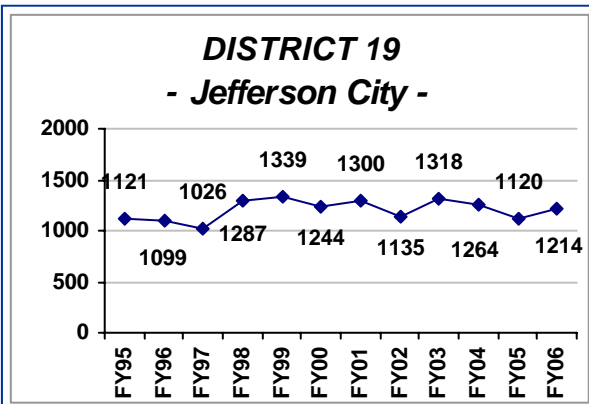
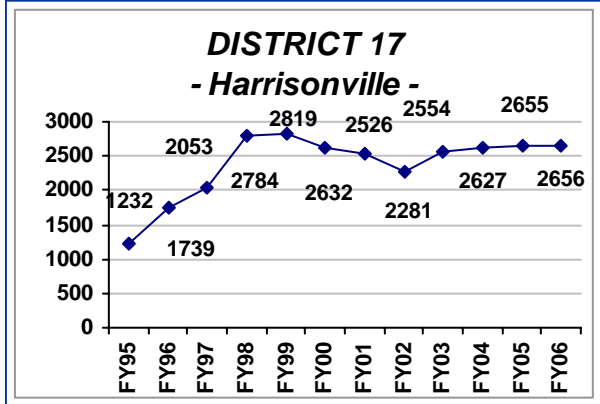
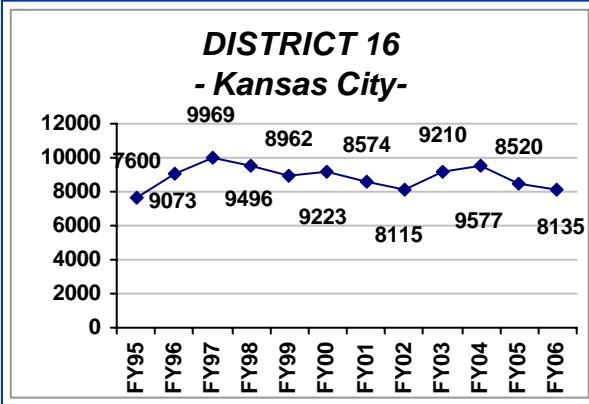
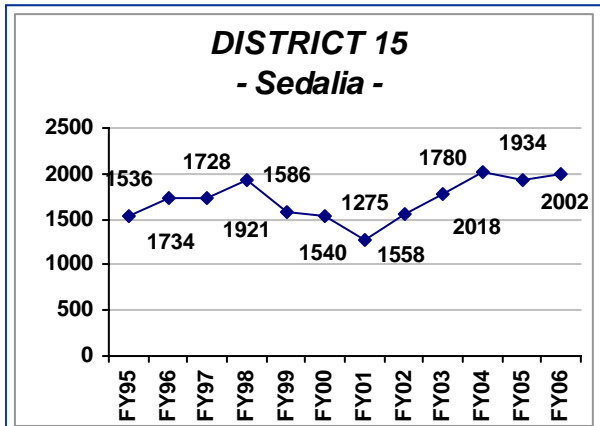
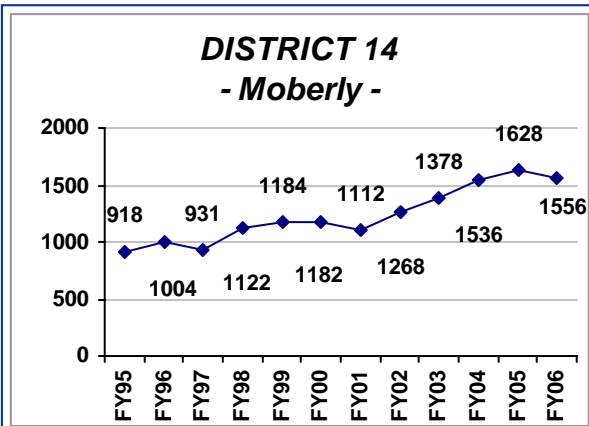
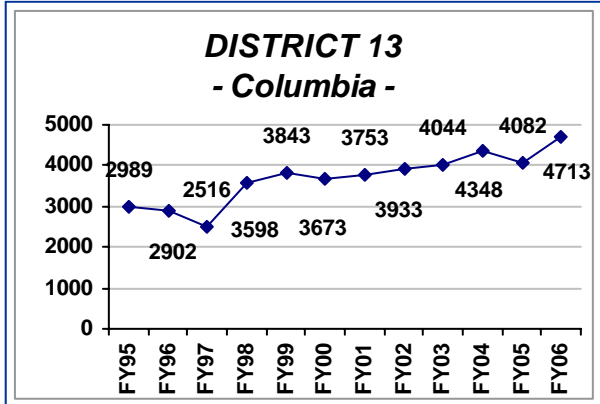
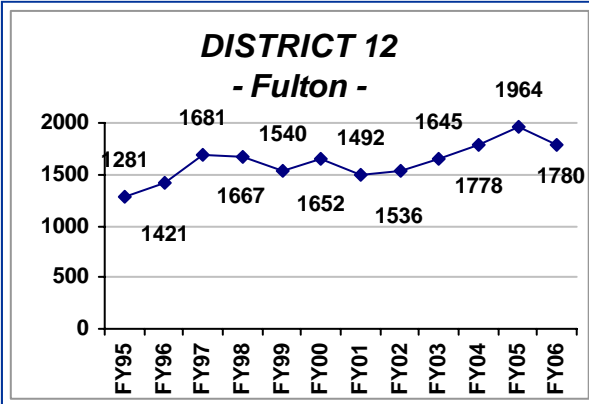
DISTRICT 10
- Hannibal -



DISTRICT 11
- St. Charles -

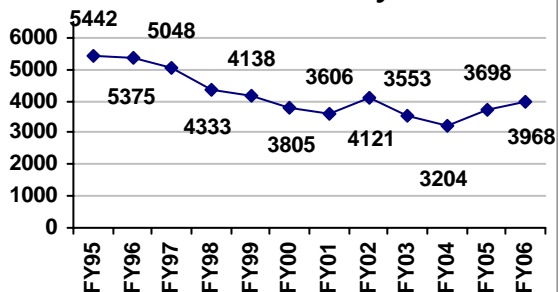


New Cases Opened – By District FY1995 to FY2006

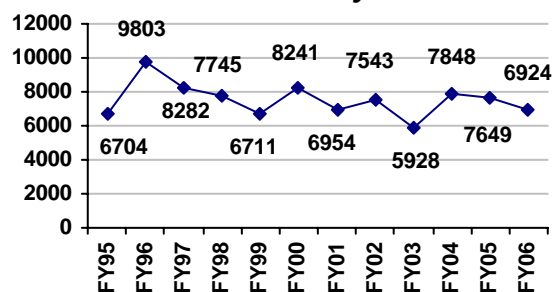


New Cases Opened - By District FY1995 to FY2006

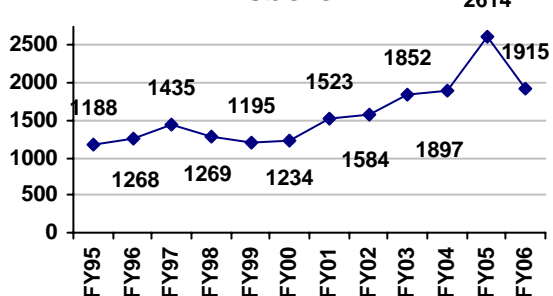
DISTRICT 21
- St. Louis County -



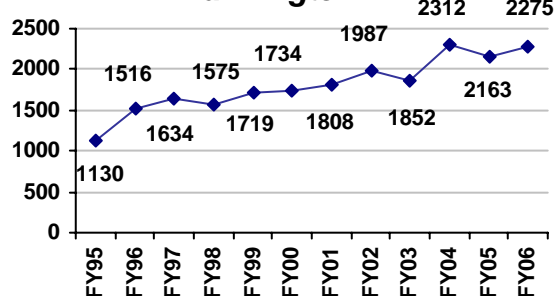
DISTRICT 22
- St. Louis City -



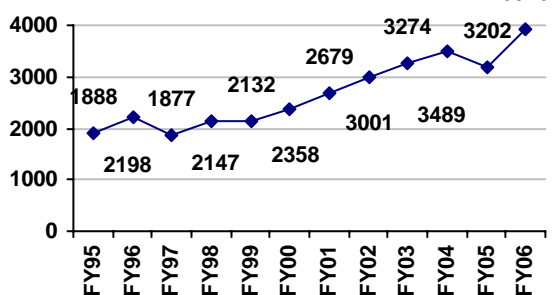
DISTRICT 23
- Hillsboro -



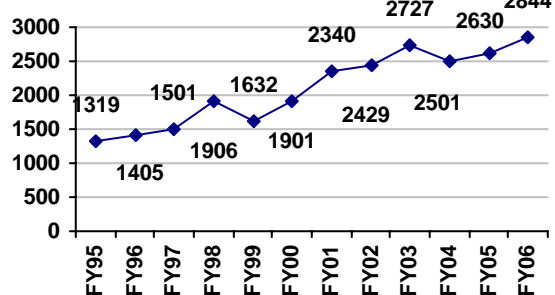
DISTRICT 24
- Farmington -



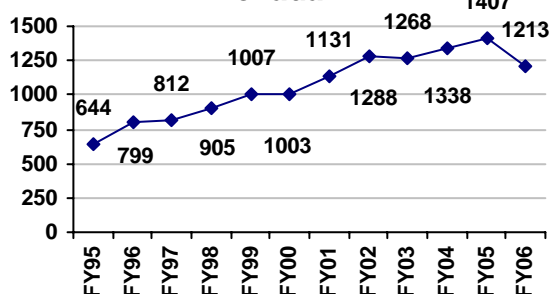
DISTRICT 25
- Rolla -



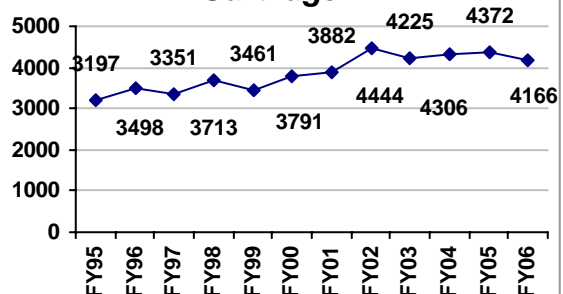
DISTRICT 26
- Lebanon -



DISTRICT 28
- Nevada -

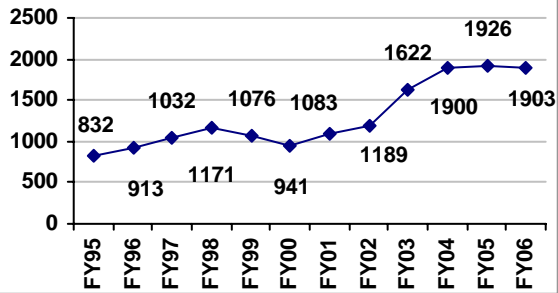


DISTRICT 29
- Carthage -

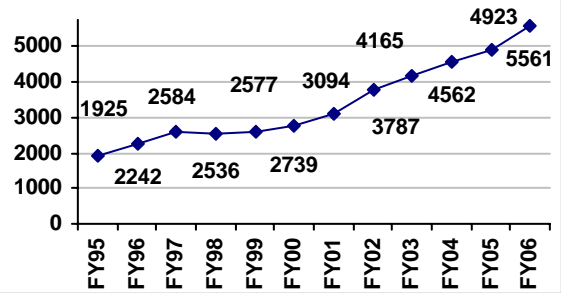


New Cases Opened – By District FY1995 to FY2006

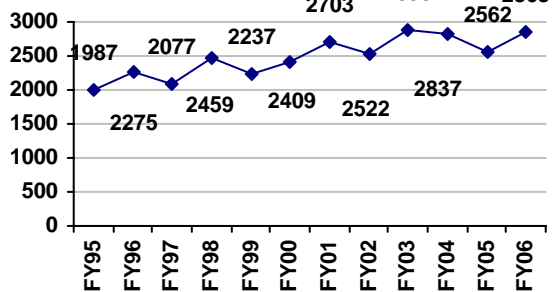
DISTRICT 30
- Bolivar -



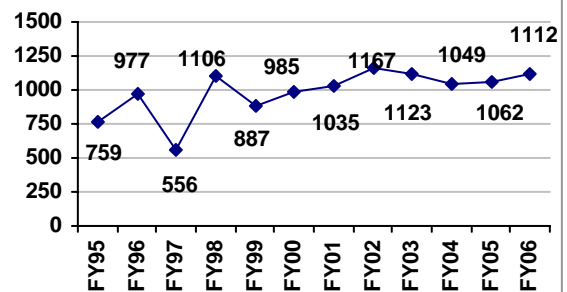
District 31
-Springfield-



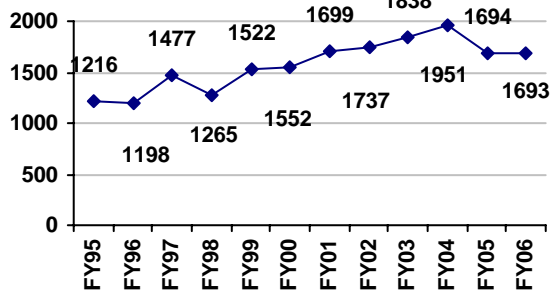
DISTRICT 32
- Jackson -



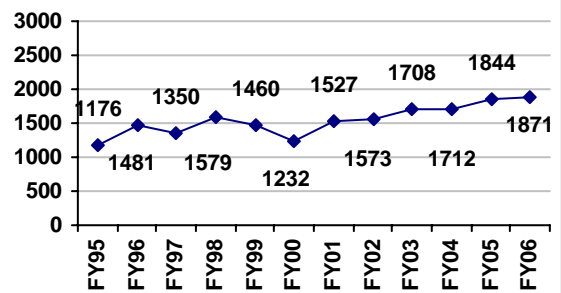
DISTRICT 34
- Caruthersville -



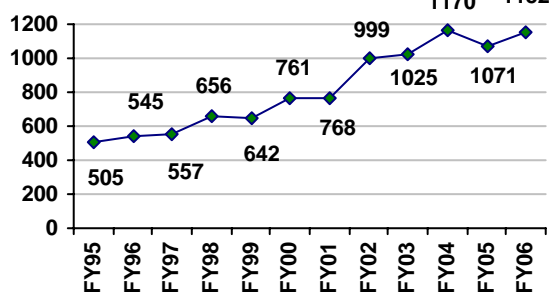
DISTRICT 35
- Kennett-



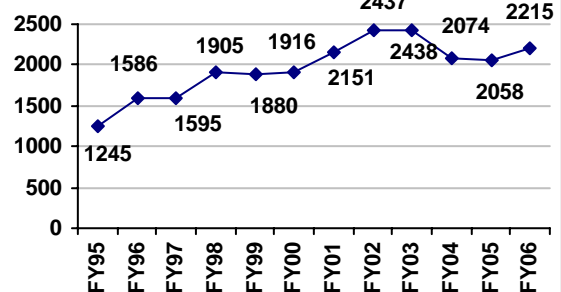
DISTRICT 36
- Poplar Bluff -



DISTRICT 37
- West Plains-

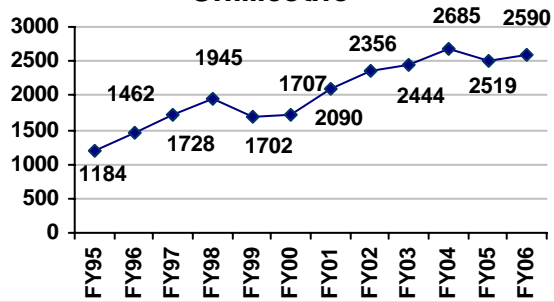


DISTRICT 39
- Monett -

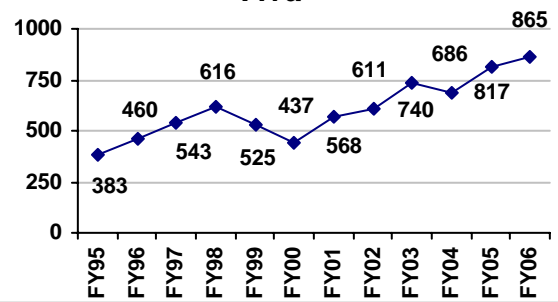


New Cases Opened - By District FY1995 to FY2006

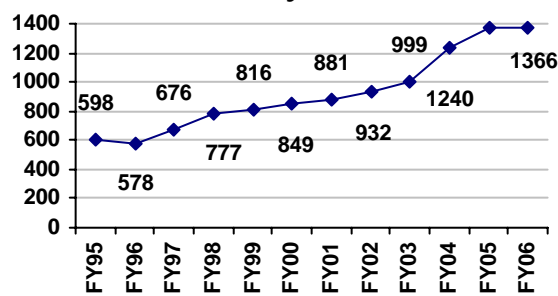
DISTRICT 43
- Chillicothe -



DISTRICT 44
- Ava -

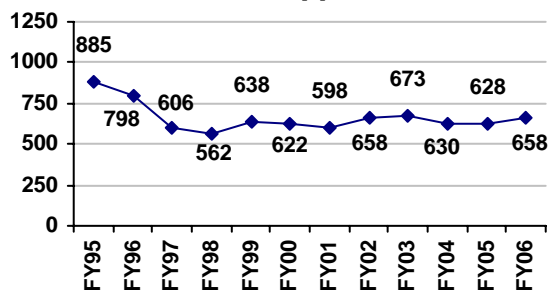


DISTRICT 45
- Troy -

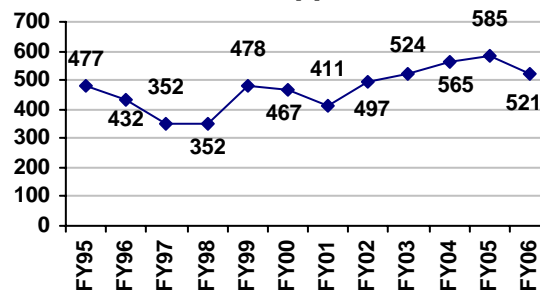


New Cases Opened - By District FY1995 to FY2006

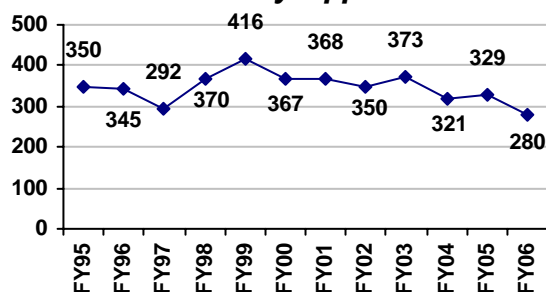
DISTRICT 50 & 67
- Columbia Appellate-



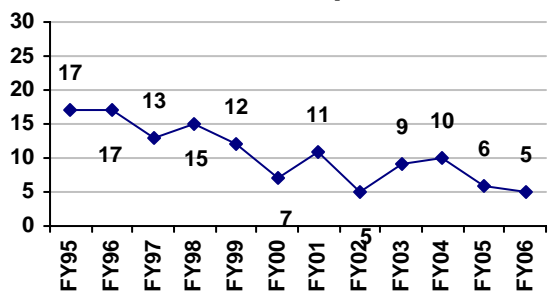
DISTRICT 51 & 68
- St. Louis Appellate -



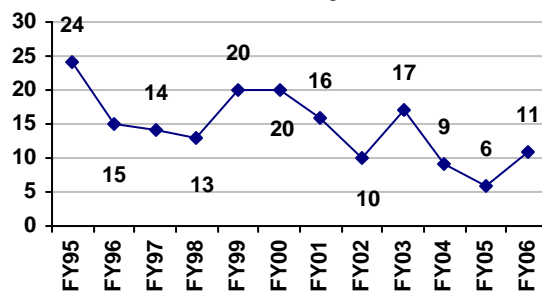
DISTRICT 52 & 69
- Kansas City Appellate-



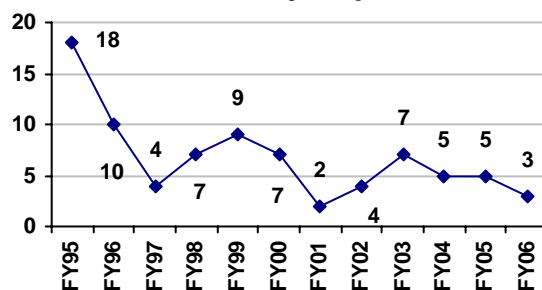
DISTRICT 53
- Columbia Capital -



DISTRICT 54
- St. Louis Capital -



DISTRICT 55
- Kansas City Capital -



FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
001.000	Probation Violation	12,722		12	39	4	100	77	12,481	9
001.100	Juvenile	549		1	0		20	527	1	0
001.110	Juvenile Injurious Behavior	216			0		208	8		0
001.115	Juvenile Review Hearing	71			0		70	1		0
001.120	Juvenile PV Only	96			0		43	38	15	0
001.125	Juvenile Status	29			0		25	3	1	0
001.130	Juvenile Misdemeanor	33			1			31	1	0
001.135	Juvenile Felony C-D (Cert.)	0			0					0
001.140	Juvenile Felony A-B (Cert.)	2			0			2		0
001.145	Juvenile Felony C-D	50			0		1	46	3	0
001.150	Juvenile Felony A-B	20		2	0			17	1	0
001.155	Juvenile Murder 1st/2nd (Cert.)	2			0			2		0
001.160	Juvenile Homicide (Cert)	0			0					0
001.165	Juvenile Homicide	0			0					0
043.170	Failure to stop for Hwy Patrol	7			2	5				0
064.295	Zoning Violations	3			3					0
070.441	Violating Rules/Regulations of Rapid Transit	1			1					0
115.631	Election Offense Class I	1		1	0					0
142.830	Operating as Interstate Motor Fuel user	1			1					0
143.931	Failure to file MO tax return	3		2	0				1	0
143.941	False statement of tax return	1			0				1	0
144.083	Retail Sales w/o a license	1			1					0
144.480	Failure to pay state sales tax	2		2	0					0
167.031	Compulsory school attendance MC	48			39				9	0
167.061	Educational neglect	2			2					0
190.308	Misuse of 911 phone service	13			11			1	1	0
191.677	Risk of infecting another w/HIV FD	3	3		0					0
191.905	Abuse of a Person Receiving Health Care	0			0					0
192.490	Violation of a law or regulation, Misdemeanor	3			1		1	1		0
194.410	Disturbing human burial site	0			0					0
194.425	Abandonment of a corpse	1		1	0					0
195.130	Maintaining a public nuisance	9		7	0				2	0
195.202	Drug Possession	8,367	61	6,019	1,310	23	2	111	839	2
195.203	Possession Under 35 Grams	291		2	268	1		5	14	1
195.204	Fraudulent attempt to obtain cont. sub.	124		100	0				24	0
195.211	Distribution/delivery/manufacture FA/B/C	2,573	2,139	105	1			23	305	0
195.212	Unlawful distribution to minor	8	7		1					0
195.213	Unlawful purchase or transport with a minor	2	2		0					0
195.214	Dist. drugs within 1000 ft of a school FA	101	88	1	0			4	8	0
195.218	Dist. drugs within 1000 ft of public housing	64	62		0				2	0
195.219	Unlawful Endangerment of Property	0			0					0
195.222	Drug trafficking FD	88	84	1	0				3	0
195.223	Drug trafficking SD	549	501	25	0			7	16	0
195.226	Furnishing materials for producing cont. sub.	1		1	0					0
195.233	Use of drug paraphernalia MA	950	3	57	813	15		12	50	0
195.235	Delivery or manufacture of drug paraphernalia	35	1	24	6				4	0
195.241	Possession of an imitation drug	5			4				1	0
195.242	Delivery or manufacture of an imitation drug	27	1	16	0			1	9	0
195.246	Possession of ephedrine	123		92	1				30	0
195.252	Fail to Keep Records of Controlled Substance	0			0					0
195.254	Delivery by manufacturer or distributor	10	4	2	0				4	0
195.291	Persistent drug offender	0			0					0
195.410	Possession of chemicals for meth.	5		2	0				3	0
195.417	Over the Counter sale of Meth Precursor	7			7					0
195.420	Creation of a controlled substance	168	2	133	1				32	0

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
210.104	Failure to provide child safety restraint	20			9	10			1	0
211.031	Exclusive jurisdiction of juvenile court	23			1		4	18		0
217.360	Possession of cont. substance-corr. facility	89	12	70	3				4	0
217.365	Possession of contraband in penal Institution	5		2	3					0
217.385	Committing violence	82	72	10	0					0
217.490	Multi-State Agreement on Detainers	3		2	0					1
221.111	Delivering/possessing prohibited articles in jail	131	15	72	37				7	0
221.353	Damage to jail property FD	68		63	0				5	0
252.040	Pursuing/taking wildlife	45			44				1	0
252.045	Operation of MV on conservation property	1			0	1				0
252.060	Failure to Display a Fishing License	3			3					0
260.212	Criminal disposition of solid waste	0			0					0
260.270	Unlawful disposal of tires by burning	1			1					0
269.020	Failure to dispose of dead animal carcass	1			1					0
273.329	Operating Animal Shelter w/o a license	1			1					0
287.128	Workers compensation fraud/MA	5			5					0
288.380	Illegal unemployment compensation	0			0					0
301.020	Failure to register	301		5	67	228			1	0
301.120	Failure to return plates	9			0	9				0
301.130	Failure to display valid plates	211		1	44	166				0
301.140	Displaying plates of another	141			28	113				0
301.190	Certificate of ownership	10			2	8				0
301.210	Sell/Purchase Mtr Veh or Trailer	6			3	3				0
301.277	Failure to register non-resident vehicle	2			0	2				0
301.320	Displaying another states plates	14			2	12				0
301.390	Sale of vehicle with altered VIN	4		2	0				2	0
301.400	Removing/defacing manufacturer numbers FC	0			0					0
301.420	False Statement on Registration Application	0			0					0
301.707	Failure to register an all-terrain vehicle	0			0					0
302.020	Operating MV without a valid license	641		68	238	274			61	0
302.025	Financial responsibility while operating vehicle	0			0					0
302.178	Failure to comply with immediate license	7			2	5				0
302.200	Operating MV w/out new license after revoked	22			13	9				0
302.210	Purchase of vehicle without receiving full title	2			0	2				0
302.220	Possession of altered driver's license	12			8	4				0
302.230	Making false stmt to obtain driver's license M	1			0	1				0
302.233	Committing Fraud to Obtain Driver's license MA	1			1					0
302.260	Unlicensed person operating motor vehicle	11			2	9				0
302.321	Driving while suspended or revoked	5,990	1	515	3,047	2,216			211	0
302.340	Prohibited Use of a License	0			0					0
302.725	Driving w/o commercial driver's license	4			3	1				0
302.780	Driving commercial vehicle under influence	2			2					0
303.024	Failure to provide evidence of insurance	76			15	60			1	0
303.025	Operating MV w/out financial responsibility	597			165	429			3	0
303.041	Failure to maintain financial responsibility	40			20	19			1	0
303.370	Driving while revoked or suspended for 303.025	544			123	419			2	0
304.000	Traffic	66		3	4	54			5	0
304.010	Speeding	403		1	38	356			8	0
304.012	Careless and imprudent driving	349		2	88	250			9	0
304.013	Operating ATV's illegally	4			1	3				0
304.015	Failure to drive on right side of the road	300		1	26	272			1	0
304.016	Violation of passing regulation	18			0	18				0
304.017	Following too closely	23			3	19			1	0
304.019	Failure to signal	65			4	61				0
304.022	Failure to yield to emergency vehicle	74			12	62				0

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
304.050	Failure to stop for a school bus	6			3	3				0
304.151	Failure to move vehicle obstructing traffic	0			0					0
304.220	Weight Limit Violation	0			0					0
304.271	Failure to stop at stop sign	36		1	1	34				0
304.281	Failure to stop at signal or crosswalk	20			1	18			1	0
304.341	Turns at intersection violation penalty	3			0	3				0
304.351	Failure to yield right-of-way	89			8	81				0
304.665	Juvenile in bed of truck	3			1	2				0
306.111	Neg. operation vessel/intoxicated/manslaughter	6			5				1	0
306.124	Fastening or damaging navigation aid w/vessel	2			1				1	0
307.040	Failure to display stop & turn signals on trailer	9			1	8				0
307.045	Faulty headlights	9		1	0	8				0
307.060	Multiple Beam Headlamps Arrangement Violation	1			0	1				0
307.070	Failure to dim lights w/in 500 ft oncoming vehicle	5			1	4				0
307.075	Failure to equip trailer with tail lights	21			3	18				0
307.105	Limitation of total lamps lighted at one time	7			0	7				0
307.170	Operating vehicle with excessive noise	6			0	5			1	0
307.173	Vision reducing material applied to windows	6			2	4				0
307.178	Seat belt violation	120			15	104			1	0
307.350	Motor vehicles, biennial inspection required	5			1	4				0
307.400	Operating commercial vehicle without service	12			4	8				0
311.050	Sale of Intoxicating Liquor w/o a License	0			0					0
311.310	Supplying liquor to a minor	55			52				3	0
311.320	Misdemeanor Misrepresentation of Age by Minor	3			3					0
311.325	Possession of liquor by a minor	276		2	249	3		6	16	0
311.328	Altering operator's license or ID card	1			1					0
311.329	Possessing altered operator's license or ID card	1			1					0
311.550	Sale of liquor without a license	0			0					0
311.880	Sale of alcohol to minor	0			0					0
312.405	Misrepresentation of age by minor to obtain beer	0			0					0
312.407	Possess of non-intoxicating liquor by minor	0			0					0
313.380	Possession of Device Violate 313.800-313.850	0			0					0
313.817	Presenting false ID to enter gaming est.	5			4	1				0
313.830	Cheating a gambling game	3		3	0					0
320.151	Sale of Fireworks to a minor	0			0					0
324.520	Performing body peircing on a minor	2			1				1	0
335.086	Use of Fraudulent Credentials	1		1	0					0
367.045	Failure to repay pawnbroker MB	1		1	0					0
378.385	Commit perjury while receiving public assistance	0			0					0
390.063	Operating Motor Vehicle w/ Defective Equipment	0			0					0
407.020	Unlawful merchandising practices	4		2	0				2	0
407.536	Odometer fraud FD	0			0					0
407.933	Possession of cigarettes by a minor	2			2					0
409.410	Sale - unregistered securities	0			0					0
409.501	Securities Fraud	2	1	1	0					0
454.440	Failing to complete an information statement	11			8				3	0
455.085	Violation of a protective order	675		33	601				40	1
455.538	Violation of an order of child protection	20			18				2	0
468.350	As owner operator/auth another to op	0			0					0
476.110	Criminal contempt of court	5			5					0
542.400	Illegal wire tapping	0			0					0

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
544.665	Failure to appear	169	1	57	95	1	3		12	0
548.131	Fugitive from justice	322	12	239	0		3	61	1	6
557.035	Hate crime C/D Fel	0			0					0
557.036	Persistent offender	0			0					0
558.016	Persistent misdemeanor offender	0			0					0
562.036	Possessing controlled substance w/intent to dist.	26	11	7	0			1	7	0
564.011	Attempt to commit an offense	220	50	102	4			48	15	1
564.016	Conspiracy FB	25	4	15	0			1	5	0
565.020	Murder 1st FA	137	130		0			5		2
565.021	Murder 2nd FA	157	152		0			3		2
565.023	Voluntary manslaughter FB	0			0					0
565.024	Involuntary manslaughter FC	40	6	30	0			1	3	0
565.050	Assault 1st FA/B	493	444	2	0			27	10	10
565.060	Assault 2nd	884	9	688	2			67	116	2
565.065	Unlawful endangerment of another FC	1		1	0					0
565.070	Assault 3rd MA/C	1,639		9	1,256	2	5	277	86	4
565.072	Domestic Assault 1st FC	139	128	3	0				7	1
565.073	Domestic Assault 2nd FC	1,171	15	1,077	6			1	72	0
565.074	Domestic Assault 3rd FC	2,117	2	52	1,846	2		49	166	0
565.075	Assault on school property - FD	108		14	0			91	3	0
565.081	Assault law enforcement officer FA	65	58	2	0			2	2	1
565.082	Assault law enforcement officer	216	71	116	5			11	13	0
565.083	Assault law enforcement officer 3rd MA	311	2		282	1		11	14	1
565.084	Tampering with a judicial officer	4		4	0					0
565.085	Crime of endangering a corrections employee	8		8	0					0
565.090	Harassment MA	165			155			3	7	0
565.092	Aggravated harassment	5		3	2					0
565.100	Tampering with evidence	0			0					0
565.110	Kidnapping FA/B	57	52		0			2	3	0
565.115	Child Kidnapping - Class A Felony	3	3		0					0
565.120	Felonious restraint FC	45	1	40	0			2	2	0
565.130	False imprisonment MA/FD	11			6			4	1	0
565.150	Interfering with Custody	21		9	10				2	0
565.153	Parental Kidnapping	10	1	8	0				1	0
565.156	Child abduction	14		13	0				1	0
565.165	Assisting in child abduction or kidnapping	0			0					0
565.180	Elder abuse FD	5	4	1	0					0
565.182	Elder abuse SD	7	7		0					0
565.184	Elder abuse TD	13			13					0
565.188	False report of elder abuse	0			0					0
565.200	Illegal sex w/ Res Skill Nursing Facility A Misd.	1			1					0
565.225	Aggravated stalking	38		19	17				2	0
565.252	Invasion of Privacy - 1st FC	0			0					0
565.253	Invasion of privacy	6		4	2					0
566.030	Rape FA/B	157	140	1	0			12	3	1
566.032	Statutory rape FD	178	144	10	0			14	10	0
566.034	Statutory rape SD	139	14	104	0				21	0
566.040	Sexual assault 1st FA/B	38	1	29	0			6	2	0
566.050	Sexual assault 2nd FC/D	0			0					0
566.060	Sodomy FA/B	50	43	1	0			5		1
566.062	Statutory sodomy 1st Dgr	308	214	8	0			76	9	1
566.064	Statutory sodomy 2nd Dgr	58	2	49	0			2	5	0
566.067	Child molestation 1st Dgr	198	136	6	1			51	4	0
566.068	Child molestation 2nd Dgr	47		5	36			2	4	0

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
566.070	Deviate sexual assault 1st FB/C	34	1	23	0			4	5	1
566.080	Deviate sexual assault 2nd FC/D	0			0					0
566.083	Sexual misconduct involving a child	20		14	1			2	3	0
566.090	Sexual misconduct MA	62		5	34			19	4	0
566.093	Sexual misconduct 2nd Dgr	53	1	1	47			3	1	0
566.095	Sexual misconduct 3rd Dgr	12		1	10			1		0
566.100	Sexual abuse 1st FC/D	25		19	0			2	4	0
566.110	Sexual abuse 2nd MA/FD	0			0					0
566.120	Sexual abuse 3rd MA	1			0				1	0
566.130	Indecent exposure MA	1			1					0
566.145	Sexual Contact w/ inmate	2		2	0					0
566.147	Establish residence w/in 1000 ft of child care	34		31	1				2	0
566.151	Attempted Enticement of a Child	10		10	0					0
566.625	Failure to register as a sex offender	4		4	0					0
567.020	Prostitution MB	66		1	63				2	0
567.030	Patronizing prostitution MB	4			4					0
567.050	Promoting prostitution 1st FB	2	2		0					0
567.060	Promoting prostitution 2nd FC	2		1	0				1	0
567.070	Promoting prostitution 3rd FD	4		4	0					0
568.010	Bigamy MA	1			1					0
568.020	Incest FD	6		5	0			1		0
568.030	Abandonment of a child 1st FB	2	2		0					0
568.032	Abandonment of a child 2nd FD	0			0					0
568.040	Criminal nonsupport MA/FD	4,204	1	2,077	1,109	1			1,015	1
568.045	Endangering welfare of a child 1st Dgr	445	3	394	0				48	0
568.050	Endangering welfare of a child MA	218	1	11	174	1			31	0
568.060	Abuse of a child FB/C	188	20	161	0				7	0
568.070	Unlawful transactions with a child MB	1			1					0
568.080	Using a child in a sexual performance FB/C	2		1	1					0
568.090	Promoting sexual performance by a child FC	2		1	0				1	0
568.110	Processor failure to report MB	0			0					0
568.175	Trafficking in children FC	0			0					0
569.020	Robbery 1st FA	778	693	3	0		1	71	9	1
569.025	Pharmacy robbery 1st FA	2	2		0					0
569.030	Robbery 2nd FB	482	352	31	0			68	31	0
569.035	Pharmacy robbery 2nd FB	0			0					0
569.040	Arson 1st FB	55	40	3	0			7	3	2
569.050	Arson 2nd FC	67	7	36	0			10	12	2
569.055	Knowingly burning or exploding FD	35		25	0			3	6	1
569.060	Reckless burning or exploding MA	3			1			2		0
569.065	Negligent burning or exploding MB	3			1			2		0
569.070	Catastrophe FA	0			0					0
569.080	Tampering 1st FC	2,187	4	1,682	2	1		282	215	1
569.085	Unlawful endangerment of property FC	0			0					0
569.090	Tampering 2nd MA/FD	433	1	22	219	1	4	171	15	0
569.095	Tampering with intellectual property MA/FD	0			0					0
569.097	Tampering with computer equipment FC/D	1	1		0					0
569.099	Tampering with computer users MA/FD	0			0					0
569.100	Property damage 1st FD	365		282	3		1	34	45	0
569.120	Property damage 2nd MB	461	1	6	369			48	37	0
569.140	Trespass 1st MB	660		1	627	1		15	16	0

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
569.150	Trespass SD	34		2	29			2	1	0
569.155	Trespass of a school bus	0			0					0
569.160	Burglary 1st FB	840	711	22	0			60	47	0
569.170	Burglary 2nd FC	3,106	15	2,479	7		1	180	424	0
569.180	Possession of burglar's tools FD	34	1	31	0	1			1	0
570.030	Stealing FC/MA	5,080	51	2,624	1,613		3	190	596	3
570.033	Stealing animals	8		6	0			1	1	0
570.040	Stealing 3rd Offense FC	59		37	0				22	0
570.080	Receiving stolen property MA/FC	926		519	289			24	94	0
570.085	Alteration or removal of item numbers FD/MB	0			0					0
570.090	Forgery FC	2,832	3	2,433	4			8	384	0
570.100	Possession of a forgery instrumentality FC	6		6	0					0
570.103	Counterfeiting 1000 or more	2			1			1		0
570.110	Issuing a false instrument or certificate MA	0			0					0
570.120	Passing bad check MA/FD	5,101		1,744	2,744	3		1	609	0
570.125	Fraudulent stop payment on an instrument MA/FD	34		14	19				1	0
570.130	Fraudulent use of a credit device MA/FD	268		124	115		1	3	25	0
570.135	Fraudulent procurement of a credit/debit device	4			4					0
570.140	Deceptive business practices	1			1					0
570.145	Financial exploitation of elderly or disabled	17	9	8	0					0
570.150	Commercial bribery MA	0			0					0
570.155	Sports bribery FEL/MIS	0			0					0
570.160	False advertising MA	0			0					0
570.170	Bait advertising MA	1		1	0					0
570.180	Defrauding secured creditors MA/FD	16		10	3				3	0
570.190	Telephone service fraud MA	2			2					0
570.210	Library theft FC/MC	7		3	4					0
570.217	Misapplication of funds of financial institution FC/D	2		1	0				1	0
570.219	False entries in records of a financial institution FC	0			0					0
570.220	Check kiting FC	4		4	0					0
570.223	Identity Theft	69	6	32	28				3	0
570.224	Trafficking in Stolen Identities Felony B	4	4		0					0
570.230	Selling unauthorized recordings	0			0					0
570.300	Theft of cable television service FA/MC	4		1	3					0
571.015	Armed criminal action	46	38	5	0				3	0
571.020	Possess/transport/sale of certain weapons FC/MA	67		35	23			5	4	0
571.030	Unlawful use of weapons FD/MB	1,021	42	781	15			91	87	5
571.045	Defacing firearm MA	0			0					0
571.050	Possession of a defaced firearm MB	6	1		5					0
571.060	Unlawful transfer of weapons FD/MA	3			2				1	0
571.070	Possession of a concealable firearm FC	22		18	0				4	0
571.080	Transfer of concealable firearms w/out permit MA	7			7					0
571.090	Permit to acquire concealable weapons MA	0			0					0
571.150	Use or possession of metal-penetrating bullet FB	0			0					0
572.020	Gambling MB	2			2					0
572.030	Promoting Gambling FD	1		1	0					0
572.050	Possession of gambling records 1st FD	0			0					0
572.060	Possession of gambling records 2nd MA	0			0					0
572.070	Possession of a gambling device MA	0			0					0
572.080	Lottery offenses	0			0					0
573.023	Sexual Exploitation of a Minor	7	7		0					0
573.020	Promoting obscenity 1st FD	0			0					0
573.023	Sexual Exploitation of a Minor	0			0					0
573.025	Promoting Child Pornography 1st FB	6	6		0					0
573.030	Promoting Pornography 2nd MA	1			1					0

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
573.035	Promoting child pornography 2nd FD	1		1	0					0
573.037	Possession of child pornography	5		3	1				1	0
573.040	Furnishing pornographic material to a minor MA	6		1	5					0
573.060	Public display of explicit sexual material MA	0			0					0
573.065	Coercing acceptance of obscene materials	0			0					0
574.010	Peace disturbance	140			111			15	14	0
574.020	Private peace disturbance MC	7			6				1	0
574.040	Unlawful assembly MB	0			0					0
574.050	Rioting MA	0			0					0
574.060	Refusal to disperse MC	0			0					0
574.070	Promoting civil disorder 1st FC	0			0					0
574.075	Drunkenness or drinking in prohibited places M	6			6					0
574.085	Burial discretion - Institutional Vandalism	4		3	0			1		0
574.090	Ethnic intimidation FD	0			0					0
574.093	Ethnic intimidation SD	0			0					0
574.105	Money Laundering	0			0					0
574.115	Making a terrorist threat	13		10	0			3		0
575.020	Concealing an offense MA	3		2	0				1	0
575.030	Hindering prosecution	90		56	29			1	4	0
575.040	Perjury FA/B/C/D	5		5	0					0
575.050	False affidavit MA/C	4			4					0
575.060	False declarations MB	12			9	1			2	0
575.080	False reports MB	96			85			5	6	0
575.090	False bomb report D-fel	11		4	0			4	3	0
575.100	Tampering with physical evidence	27		14	7				6	0
575.110	Tampering with public records	0			0					0
575.120	False impersonation	12			12					0
575.130	Simulating legal process	2			2					0
575.145	Failed to Obey Sheriff's Deputy	7			6				1	0
575.150	Resisting. Interference. w/Arrest. FD/MA	942	2	429	420	8		24	58	1
575.160	Interference. w/Legal Process MB	4			2				2	0
575.195	Escape from commitment FD	3	1	1	1					0
575.200	Escape/attempt escape from custody MA FA/D	44		29	13				2	0
275.205	Tampering w/ electronic monitoring equip.	5		5	0					0
575.210	Escape/attempt escape from confinement FA/C/D	24	4	20	0					0
575.220	Failure to return to confinement MA/FC	33		15	18					0
575.230	Aiding escape of a prisoner FB/D MA	5	3	1	1					0
575.240	Permitting escape	0			0					0
575.250	Disturbing judicial proceeding	0			0					0
575.260	Tampering with judicial process	2		2	0					0
575.270	Tampering with a witness FC/MA	64		49	11			1	3	0
575.280	Official acceding to corruption	0			0					0
575.290	Improper communication	0			0					0
575.300	Juror misconduct	0			0					0
575.310	Misconduct in selecting or summoning juror	0			0					0
575.320	Misconduct in administration of justice	0			0					0
575.350	Killing or Disabling a Police Animal	0			0					0
576.010	Bribery of a public servant FD	3		2	0				1	0
576.020	Public servant acceding to corruption FD	0			0					0
576.030	Obstructing government operations MB	3			3					0
576.040	Official misconduct MA	0			0					0

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	40 Misd.	45 Traffic	50 Juv	52 Juv	65 PV	Other
576.050	Misuse of official information MA	0			0					0
576.060	Failure to give a tax list	0			0					0
576.070	Treason FA	0			0					0
577.005	Vehicular manslaughter	0			0					0
577.010	Driving while intoxicated MA/B FD	3,852	125	864	1,808	613			441	1
577.012	Driving w/excessive blood alcohol content MA/C	12	1		5				5	1
577.017	Consuming alcoholic beverages in moving MV	10			6	4				0
577.023	Driving while intoxicated Second MA, Third FD	33	1	21	9				2	0
577.051	Failure to furnish M.U.L.E. records MC	0			0					0
577.060	Leaving scene of motor vehicle accident MA/FD	486		220	166	30		4	66	0
577.070	Littering MA	31			31					0
577.073	Littering in state parks	0			0					0
577.075	Release of Anhydrous Ammonia	2	2		0					0
577.076	Littering with carcasses	0			0					0
577.080	Abandoning motor vehicle MA	4			3	1				0
577.100	Abandonment of airtight containers	0			0					0
577.110	Operating MV while under 16 years of age	1			0			1		0
577.150	Corrupting or diverting water supply	0			0					0
577.155	Prohibition of waste disposal wells	0			0					0
577.161	Can't prohibit disabled life jackets in pool	0			0					0
577.600	Failure to use ordered ignition interlock device	4			3	1				0
577.612	Tampering w/ ignition interlock device	0			0					0
578.009	Animal neglect MA	11			11					0
578.012	Animal abuse	86		10	71				5	0
578.025	Dog fighting MA/FD	6			0				6	0
578.027	Dog baiting MA	0			0					0
578.050	Bull baiting and cockfighting MA	0			0					0
578.150	Failure to return rented personal property MA/FD	232		140	65				27	0
578.151	Interfere w/ Lawful Hunt	0			0					0
578.154	Possession of Anhydrous Ammonia	18		11	0				7	0
578.250	Inhaling/ inducing others to inhale fumes MB	19			19					0
578.255	Induce or possess w/intent to induce intoxication	4			4					0
578.260	Possess/purchase solvents to aid others MB	0			0					0
578.265	Sell or Transfer Solvents FC	0			0					0
578.305	Assault w/ intent to hijack bus	0			0					0
578.365	Hazing	0			0					0
578.377	Unlawful receipt of food stamps MA/FD	2		1	1					0
578.379	Unlawful conversion of food stamps MA/FD	1			1					0
578.381	Unlawful transfer of food stamps MA/FD	1			1					0
578.395	Ticket scalping	0			0					0
578.416	Crop Loss	1			1					0
578.423	Knowingly participating in street gang activity MA	0			0					0
578.425	Promoting or assisting gang conduct MA	0			0					0
578.433	Maintaining public nuisance	0			0					0
578.445	Possession tools to break into vending mach	0			0					0
589.400	Registration of certain offenders with chief law	18		8	9				1	0
589.414	Failure to register as a sex offender	6		1	5					0
589.425	Failure to register penalty, subsequent	232		127	95				9	1
602.300	Unlawfully possessing a tobacco product	0			0					0
632.480	Sexually violent predator	0			0					0
701.055	Noncompliant Sewage Disposal System	1			1					0
701.057	Construction of on-site sewage disposal system	0			0					0
701.046	Sewage Disposal construction or modification	0			0					0
999.999	Witness Only	13		12	0					1

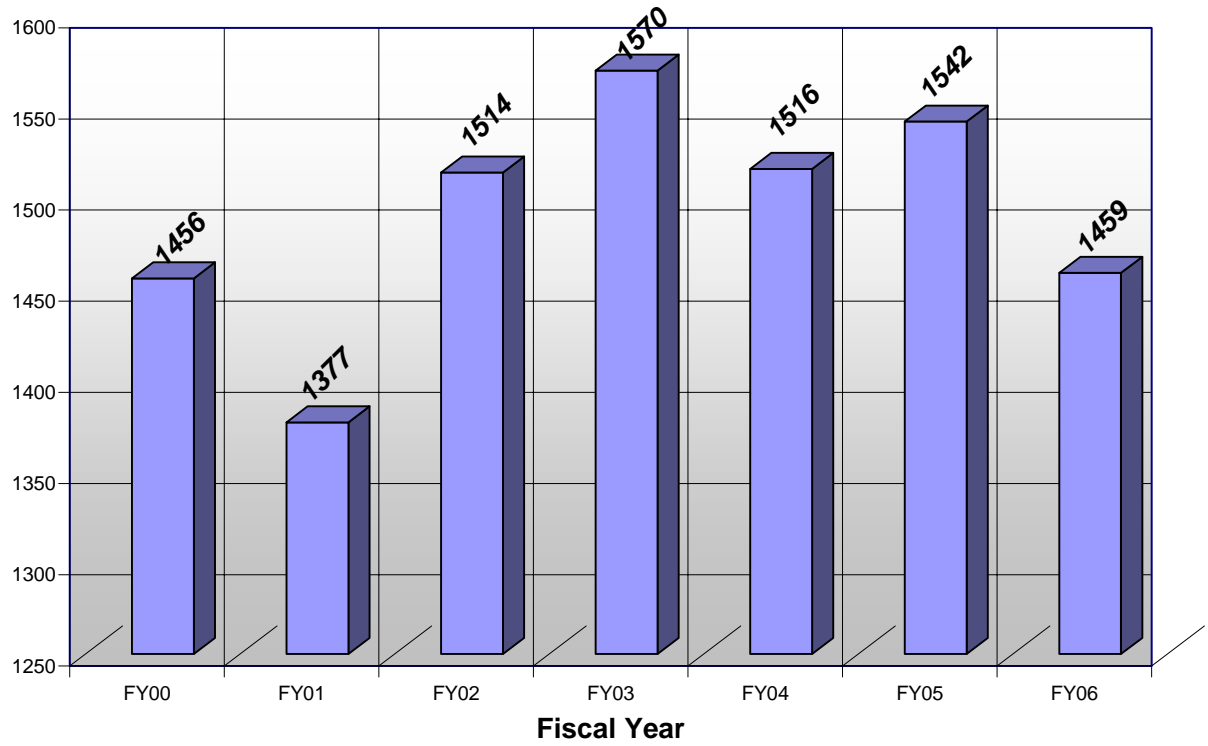
**FY2006
CONFLICT ASSIGNMENTS
By Case Type**

Code	Description	# of Cases Assigned
00	Advice of Counsel	1
10	Murder - Death Penalty	1
15	Murder - 1 st Degree	7
20	Other Homicide	7
30	A-B Felony	182
35	C-D Felony	254
40	Misdemeanor	56
52	Juvenile	34
54	Post Conviction Relief - Rule 24	62
59	Post Conviction Relief - Rule 29	19
60	Chapter 552	6
62	Sexual Predator	2
65	Probation Violation	47
80	29.15 Appeal	0
82	Direct Appeal	5
	Total Private Counsel Conflict Assignments	683

FY2006
APPELLATE DIVISION CASELOAD
Cases Opened and Closed

	Central		Eastern		Western		
	Columbia		St. Louis		Kansas City		Totals
	Area 50	Area 67	Area 51	Area 68	Area 52	Area 69	
Death PCR							
Opened	3	1	0	0	0	0	4
Closed	3	1	2	0	1	0	7
Felony							
Opened	235	0	44	41	28	22	370
Closed	198	0	42	47	29	19	335
PCR Appeals							
Opened	70	42	71	87	27	35	332
Closed	66	31	76	69	37	31	310
PCR Trials							
Opened	1	284	132	139	80	86	722
Closed	1	318	132	141	97	95	784
Other (DNA, 29.07, 29.13, Rule 87, State's Appeals, 29.27, Writs, CDU)							
Opened	18	4	6	1	2	0	31
Closed	18	4	1	1	2	2	28
Appellate Division Totals							
Opened	327	331	253	268	137	143	1,459
Closed	286	354	253	258	166	147	1,464
Totals							
Opened	658		521		280		1,459
Closed	640		511		313		1,464
	Central		Eastern		Western		
	Columbia		St. Louis		Kansas City		

New Appellate Cases



FY2006
Appellate Cases Disposed
By Disposition Code

Code		District 50	District 51	District 52	District 67	District 68	District 69	Total
42	Conflict (Transferred for Assignment)	5	4	15	55	1	1	81
41	Conflict (Transfer to Public Defender Office)	9	2	13	7	3	3	37
37	Guilty Plea Vacated	1	2	0	4	4	1	12
36	Reversed for Sufficiency/Client Discharged	2	0	1	0	0	0	3
35	Reversed - Findings of Fact/Conclusions of Law	3	1	0	1	0	2	7
34	Reversed for New Trial	0	0	0	0	0	0	0
33	Reversed & Remanded for Sentencing Relief	2	2	3	10	1	7	25
32	Reversed & Remanded for Resentencing	6	1	2	0	0	2	11
31	Reversed & Remanded for PCR Hearing	4	1	0	1	2	1	9
30	Reversed & Remanded for New Trial	15	0	2	0	0	1	18
21	Denied Without Hearing	0	46	9	49	50	11	165
20	Denied After Hearing	1	20	19	75	28	27	170
12	Summary Affirmance	125	98	31	4	97	1	356
11	Affirmed in part/Reversed & Remanded in Part	13	0	0	1	5	1	20
10	Affirmed After Opinion	64	1	13	21	4	38	141
03	Dismissed by Court	3	11	9	50	16	6	95
02	Voluntary Dismissal	21	50	38	69	40	36	254
01	Withdraw	11	10	11	6	7	8	53
00	Unknown	1	4	0	1	0	1	7
								0
	Totals	286	253	166	354	258	147	1464

FY2006 CAPITAL DIVISION Death Penalty Caseload			
	Opened	Closed	Current
Central Office - Columbia -			
Trials	5	1	11
Appeals	1	0	3
Totals	6	1	14
Eastern Office - St. Louis City -			
Trials	11	7	21
Appeals	0	1	3
Totals	11	8	24
Western Office - Kansas City -			
Trials	3	3	5
Appeals	2	2	2
Totals	5	5	7
Total Death Penalty			
Trials	19	11	37
Appeals	3	3	8
Totals	22	14	45

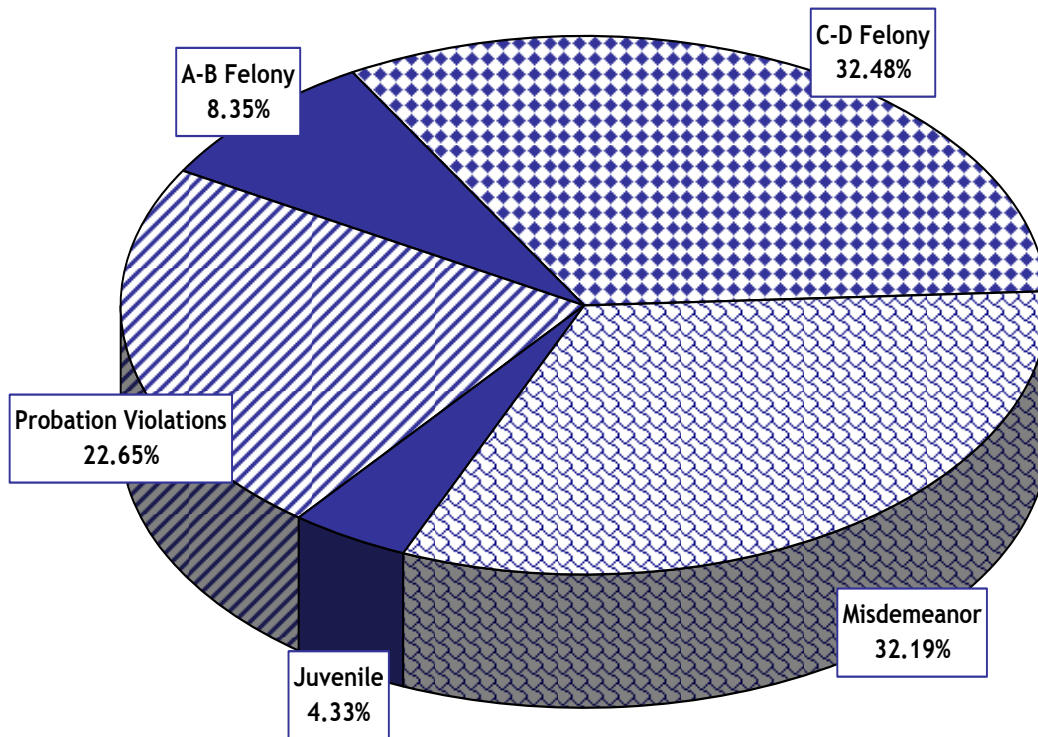
The Direct Appeal of Death Penalty Cases was transferred to the Capital Division in October of 1997. In addition to the Direct Appeals, the staff assigned to direct appeal of death penalty cases assist the Capital Division Trial staff in trial preparation.

Cases Closed

The State Public Defender System's Trial Division closed 81,080 cases in Fiscal Year 2006.

Fiscal Year 2006 Trial Division Closed Cases by Case Type		
Type Code	Description	Cases Opened
10	Murder - Death Penalty	6
15	Homicide - Non Capital	120
62	Sexually Violent Predator	19
20	Other Homicides	118
30	A-B Felonies	6,505
35	C-D Felonies	26,338
40	Misdemeanor	20,093
45	Misdemeanor - Traffic	6,004
50	Juvenile Status	505
52	Juvenile Criminal	3,006
65	Probation Violation	18,366
	Total Trial Division Cases Opened 2006	81,080

Fiscal Year 2006
Trial Division Closed Cases
By Case Type



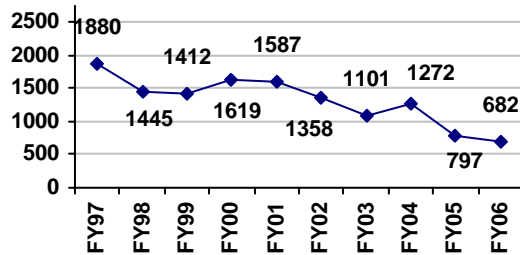
Felony Cases Closed	33,106 or 40.83% of the total caseload
Misdemeanor Cases Closed	26,097 or 32.19% of the total caseload
Probation Violation Cases	18,366 or 22.65% of the total caseload
Juvenile Cases Closed	3,511 or 4.33% of the total caseload

TRIAL DIVISION CASE DISPOSITIONS
FIVE FISCAL YEAR COMPARISONS - FY2002 to FY2006
BY DISTRICT

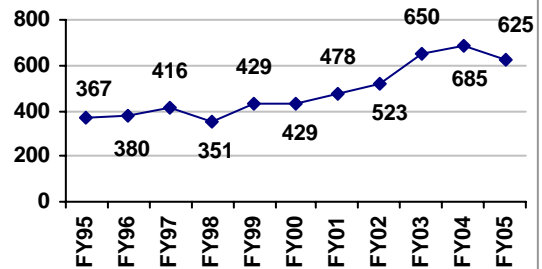
District #	District Name	FY02 Cases Disposed	FY03 Cases Disposed	FY04 Cases Disposed	FY05 Cases Disposed	FY06 Cases Disposed	# Change 2002 to 2006	% Change 2002 to 2006
1	St. Louis Juvenile	1,358	1,101	1,272	797	682	-676	-49.78%
2	Kirksville	523	650	685	625	685	162	23.65%
4	Maryville	633	654	745	607	526	-107	-20.34%
5	St. Joseph	2,149	2,314	2,271	2,351	2,271	122	5.37%
6	Kansas City Juvenile	935	1,197	1,154	1,400	1,208	273	22.60%
7	Liberty	3,134	3,464	3,574	3,330	3,343	209	6.25%
10	Hannibal	1,285	1,460	1,568	1,691	1,483	198	13.35%
11	St. Charles	1,905	1,923	1,686	1,747	1,591	-314	-19.74%
12	Fulton	1,551	1,519	1,895	1,994	1,666	115	6.90%
13	Columbia	3,941	4,042	4,136	4,123	4,381	440	10.04%
14	Moberly	1,099	1,349	1,442	1,691	1,537	438	28.50%
15	Sedalia	1,480	1,722	1,990	1,871	1,977	497	25.14%
16	Kansas City	7,236	8,581	8,836	8,065	7,361	125	1.70%
17	Harrisonville	2,345	2,347	2,679	2,561	2,538	193	7.60%
19	Jefferson City	1,154	1,056	1,265	1,177	1,129	-25	-2.21%
20	Union	1,750	2,088	1,676	1,530	1,432	-318	-22.21%
21	St. Louis County	3,193	1,550	2,459	3,746	3,684	491	13.33%
22	St. Louis City	6,854	5,519	7,802	7,794	6,203	-651	-10.49%
23	Hillsboro	1,551	1,778	1,896	2,297	1,828	277	15.15%
24	Farmington	1,876	2,111	2,268	2,305	2,202	326	14.80%
25	Rolla	2,922	3,234	3,587	3,314	3,564	642	18.01%
26	Lebanon	2,263	2,797	2,423	2,775	2,733	470	17.20%
28	Nevada	1,228	1,258	1,349	1,351	1,236	8	0.65%
29	Carthage	4,429	4,181	4,120	4,095	4,137	-292	-7.06%
30	Bolivar	1,175	1,626	1,855	1,895	1,772	597	33.69%
31	Springfield	3,201	3,931	4,291	4,773	4,994	1,793	35.90%
32	Cape Girardeau	2,420	2,679	2,790	2,566	2,581	161	6.24%
34	Caruthersville	1,105	1,133	1,104	1,063	1,058	-47	-4.44%
35	Kennett	1,678	1,837	1,914	1,695	1,637	-41	-2.50%
36	Poplar Bluff	1,490	1,804	1,600	1,891	1,857	367	19.76%
37	West Plains	875	1,040	1,135	1,137	1,008	133	13.19%
39	Monett	2,151	2,132	2,044	1,875	2,051	-100	-4.88%
43	Chillicothe	2,311	2,364	2,586	2,512	2,533	222	8.76%
44	Ava	539	661	756	810	856	317	37.03%
45	Troy	961	982	1,161	1,347	1,317	356	27.03%
49	St. Louis Conflicts	614	917	105			-614	
Total Trial Division Dispositions		75,314	79,001	84,119	84,801	81,061	5,747	7.09%
							FY02 to FY06	

Disposed Caseload -By District FY1995 to FY2006

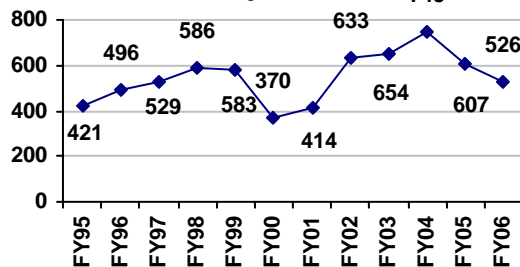
DISTRICT 1
- St. Louis Juvenile -



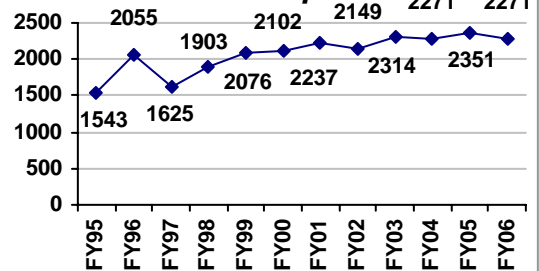
DISTRICT 2
- Kirksville -



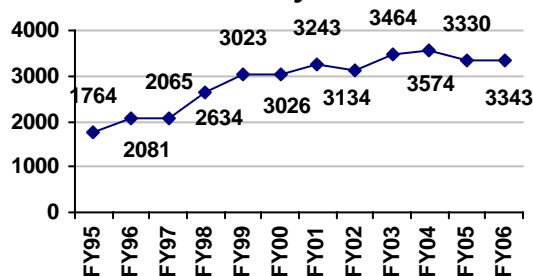
DISTRICT 4
- Maryville -



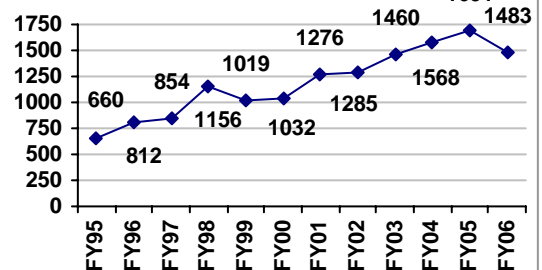
DISTRICT 5
- St. Joseph -



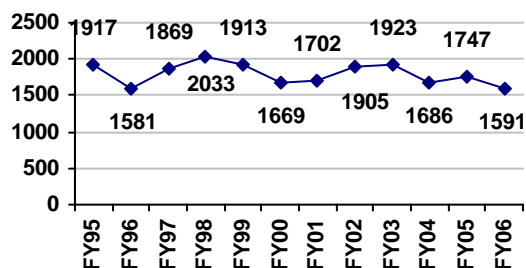
DISTRICT 7
- Liberty -



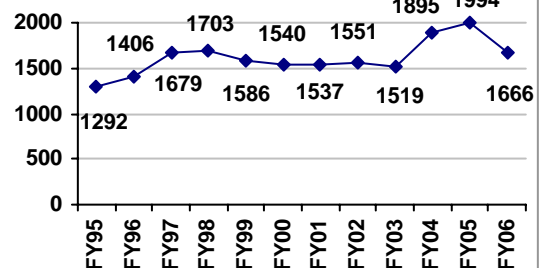
DISTRICT 10
- Hannibal -



DISTRICT 11
- St. Charles -

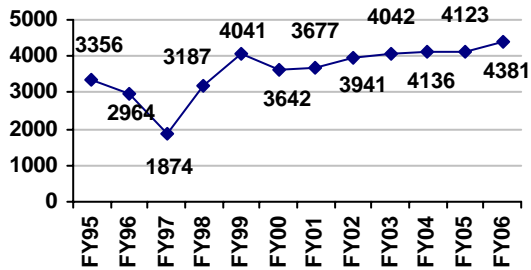


DISTRICT 12
- Fulton -

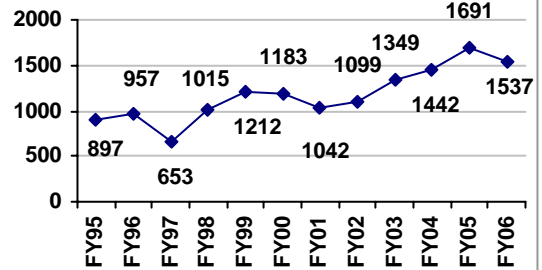


Disposed Caseload -By District FY1995 to FY2006

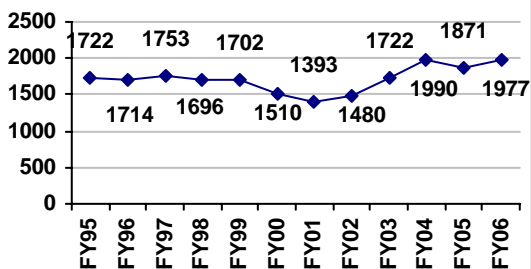
DISTRICT 13
- Columbia -



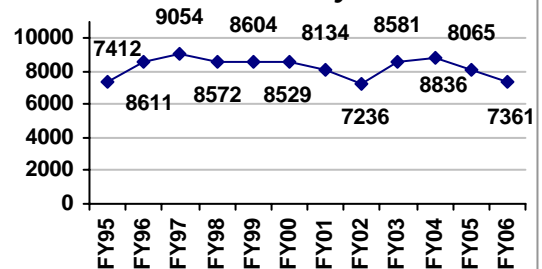
DISTRICT 14
- Moberly -



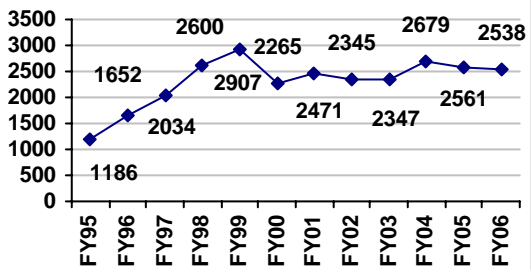
DISTRICT 15
- Sedalia -



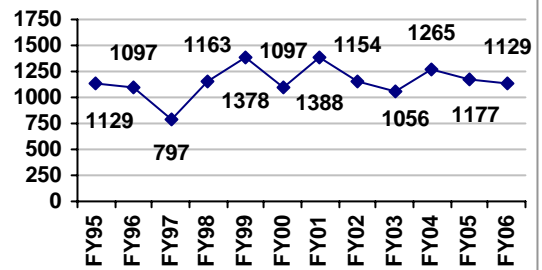
DISTRICT 16
- Kansas City -



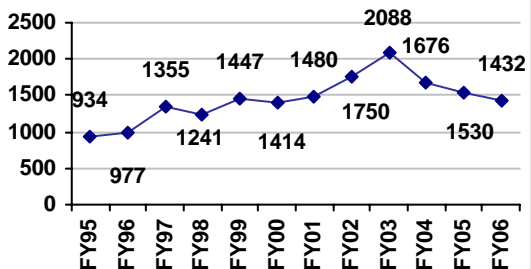
DISTRICT 17
- Harrisonville -



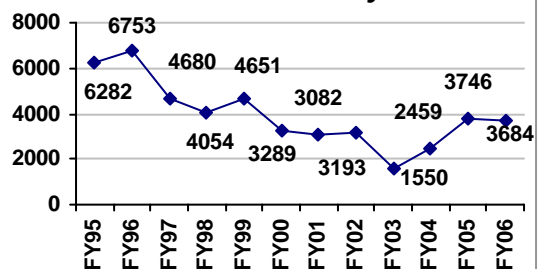
DISTRICT 19
- Jefferson City -



DISTRICT 20
- Union -

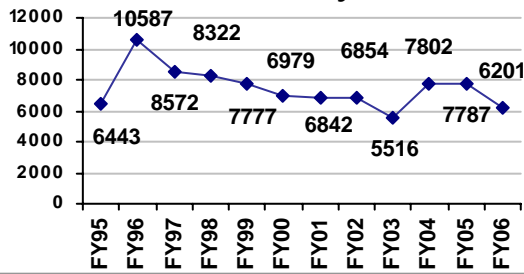


DISTRICT 21
- St. Louis County -

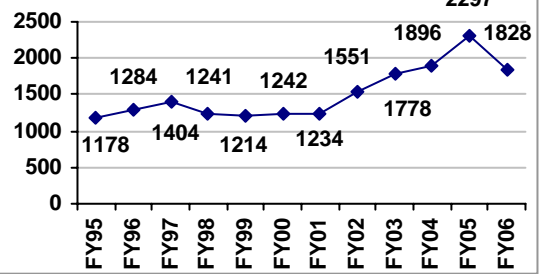


Disposed Caseload -By District FY1995 to FY2006

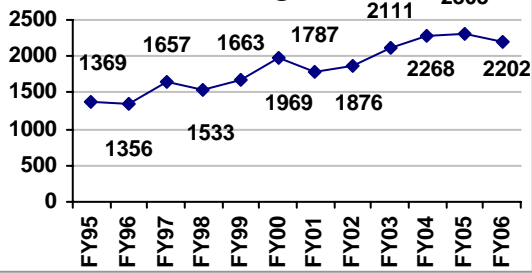
DISTRICT 22
- St. Louis City -



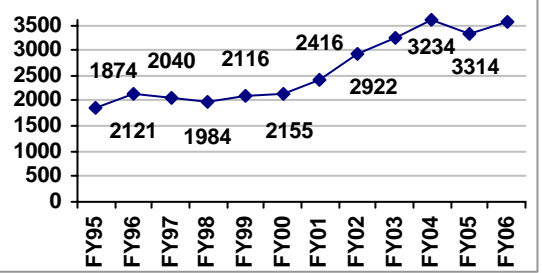
DISTRICT 23
- Hillsboro -



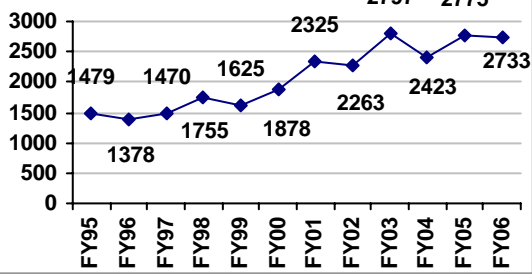
DISTRICT 24
- Farmington -



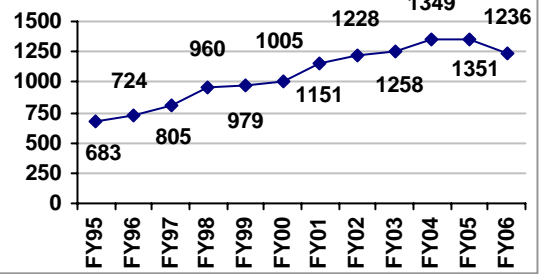
DISTRICT 25
- Rolla -



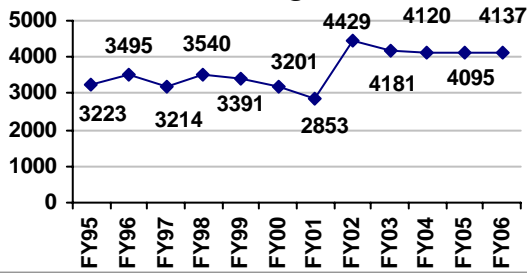
DISTRICT 26
- Lebanon -



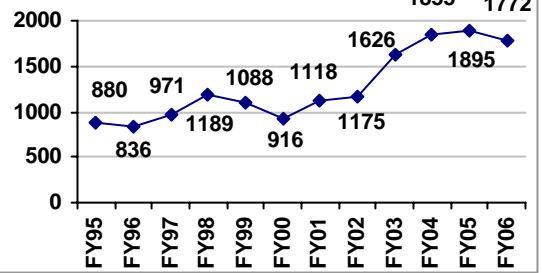
DISTRICT 28
- Nevada -



DISTRICT 29
- Carthage -

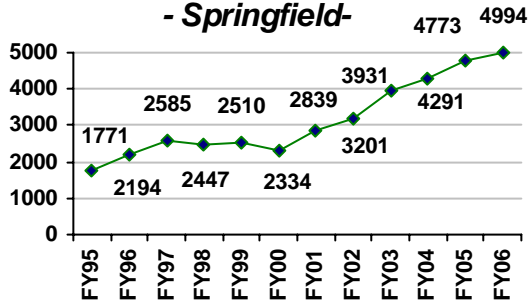


DISTRICT 30
- Bolivar -

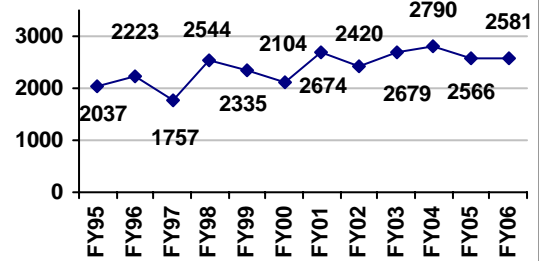


Disposed Caseload -By District FY1995 to FY2006

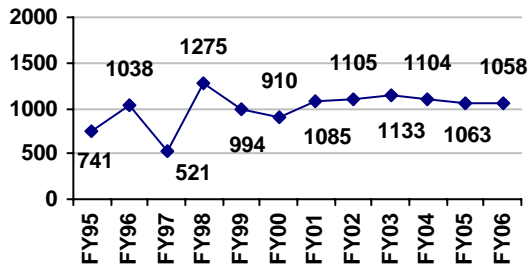
DISTRICT 31
- Springfield -



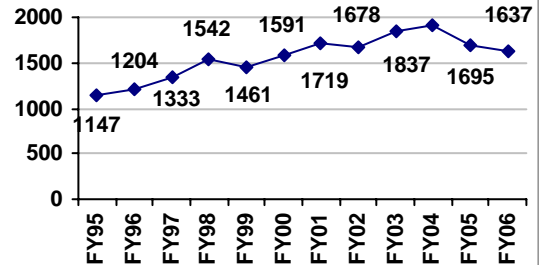
DISTRICT 32
- Jackson -



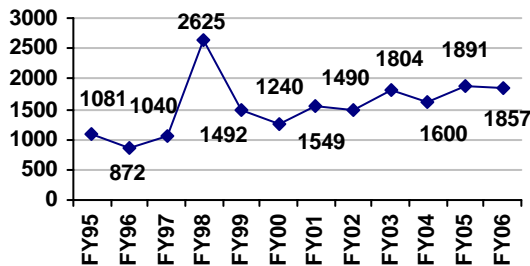
DISTRICT 34
- Caruthersville -



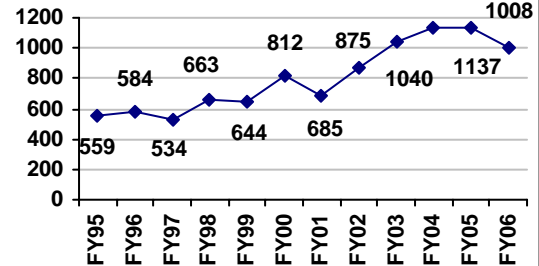
DISTRICT 35
- Kennett -



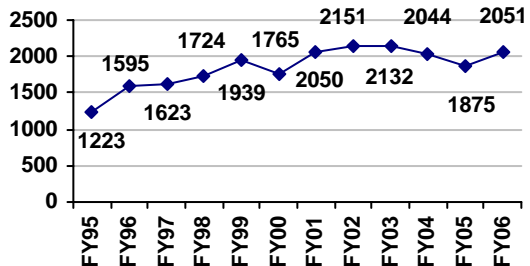
DISTRICT 36
- Poplar Bluff -



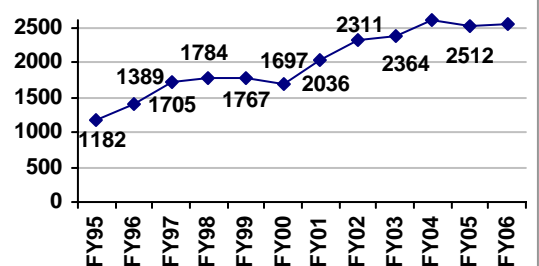
DISTRICT 37
- West Plains -



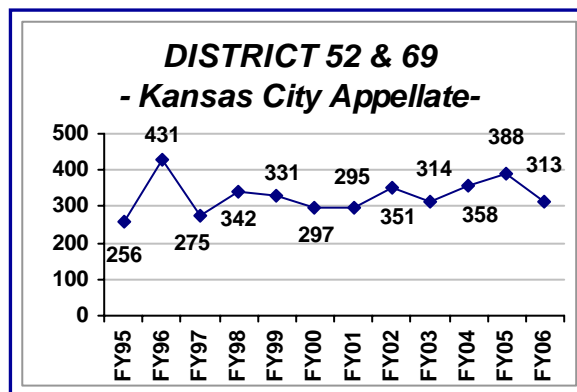
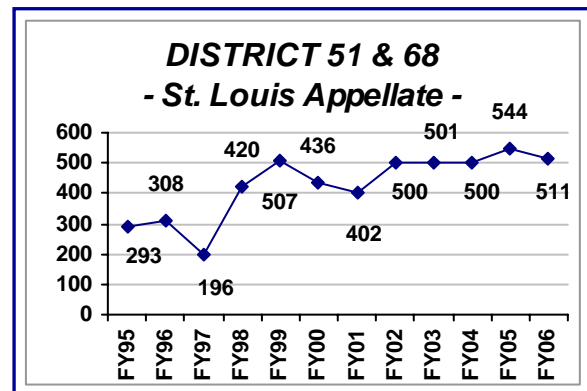
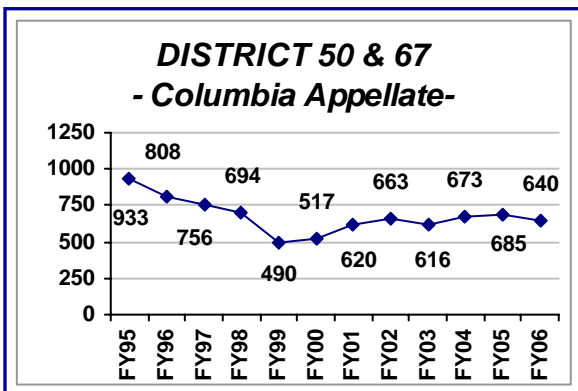
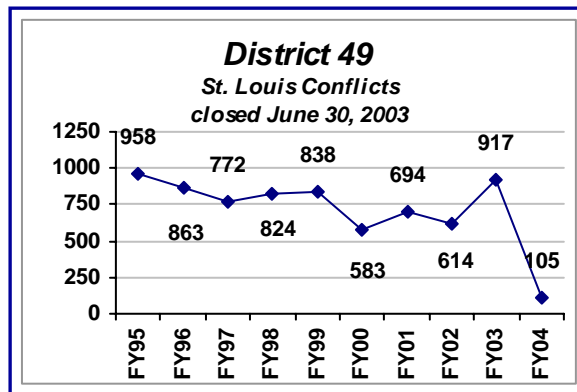
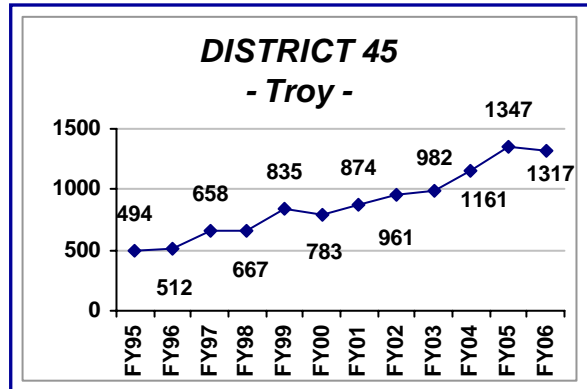
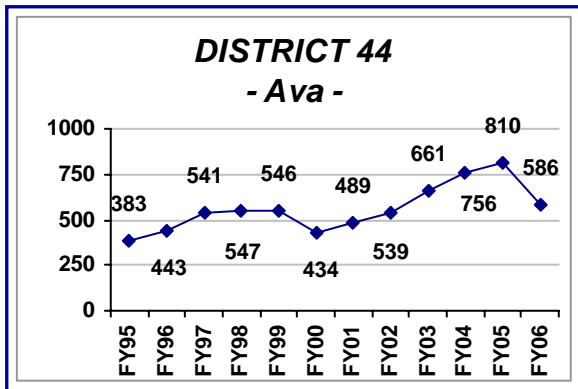
DISTRICT 39
- Monett -



DISTRICT 43
- Chillicothe -

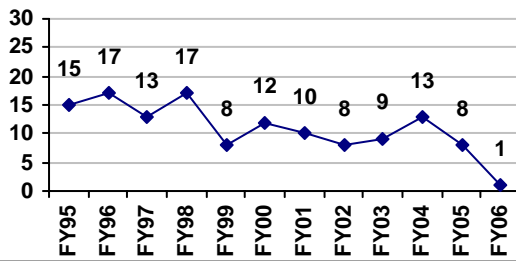


Disposed Caseload -By District FY1995 to FY2006

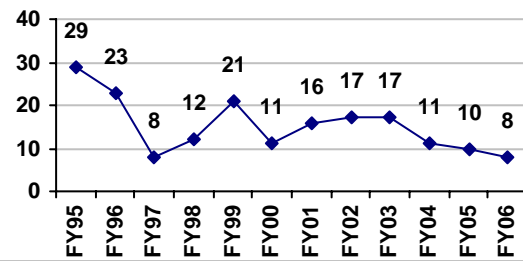


Disposed Caseload -By District FY1995 to FY2006

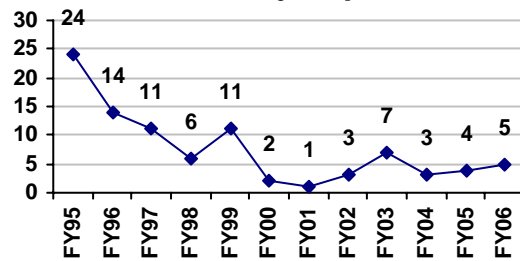
DISTRICT 53
- Columbia Capital -



DISTRICT 54
- St. Louis Capital -



DISTRICT 55
- Kansas City Capital -



FY2006

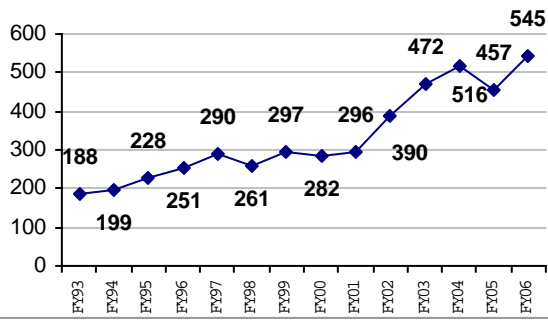
Trial Division

Opened and Closed by County

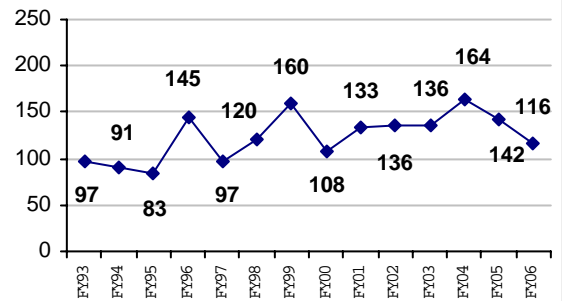
County	Opened	Closed	County	Opened	Closed	County	Opened	Closed
ADAIR	537	545	HARRISON	200	189	PIKE	324	325
ANDREW	108	116	HENRY	571	531	PLATTE	1204	1185
ATCHISON	89	96	HICKORY	132	128	POLK	577	595
AUDRAIN	839	761	HOLT	78	61	PULASKI	681	599
BARRY	683	662	HOWARD	102	91	PUTNAM	155	131
BARTON	245	217	HOWELL	739	689	RALLS	178	178
BATES	473	458	IRON	306	284	RANDOLPH	714	666
BENTON	292	263	JACKSON	9301	8514	RAY	510	529
BOLLINGER	127	117	JASPER	2702	2657	REYNOLDS	73	62
BOONE	4622	4288	JEFFERSON	1946	1860	RIPLEY	321	311
BUCHANAN	2475	2328	JOHNSON	575	507	SALINE	438	431
BUTLER	1143	1122	KNOX	31	43	SCHUYLER	58	51
CALDWELL	317	302	LACLEDE	802	810	SCOTLAND	47	49
CALLAWAY	819	785	LAFAYETTE	674	658	SCOTT	703	602
CAMDEN	794	764	LAWRENCE	713	579	SHANNON	198	131
CAPE GIRARDEAU	1420	1326	LEWIS	117	141	SHELBY	158	166
CARROLL	168	166	LINCOLN	1042	994	SOUTHERN	2	1
CARTER	166	155	LINN	291	307	ST. CHARLES	1379	1272
CASS	902	880	LIVINGSTON	316	300	ST. CLAIR	207	226
CEDAR	352	331	MACON	376	381	ST. FRANCOIS	1011	1021
CHARITON	115	121	MADISON	100	101	ST. LOUIS CITY	7547	6695
CHRISTIAN	804	776	MARIES	149	135	ST. LOUIS COUNTY	4007	3682
CLARK	200	172	MARION	777	709	STE. GENEVIEVE	176	170
CLAY	1878	1832	MCDONALD	442	391	STODDARD	717	652
CLINTON	296	281	MERCER	89	86	STONE	486	502
COLE	970	920	MILLER	504	491	SULLIVAN	113	124
COOPER	209	213	MISSISSIPPI	406	379	SUPREME	1	1
CRAWFORD	683	665	MONITEAU	185	170	TANEY	956	913
DADE	137	149	MONROE	135	139	TEXAS	490	514
DALLAS	406	341	MONTGOMERY	193	182	VERNON	503	587
DAVIESS	281	277	MORGAN	533	482	WARREN	372	351
DEKALB	223	221	NEW MADRID	525	470	WASHINGTON	611	567
DENT	416	363	NEWTON	1139	1178	WAYNE	263	271
DOUGLAS	212	219	NODAWAY	116	110	WEBSTER	573	522
DUNKLIN	991	1001	OREGON	203	193	WESTERN	4	3
EASTERN	1	2	OSAGE	117	110	WORTH	8	17
FRANKLIN	1320	1269	OZARK	196	185	WRIGHT	489	483
GASCONADE	201	218	PENISCOT	573	565	CDU	38	19
GENTRY	73	71	PERRY	247	206			
GRENE	3912	3427	PETTIS	680	657			
GRUNDY	274	253	PHELPS	1580	1340		86368	81080

FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

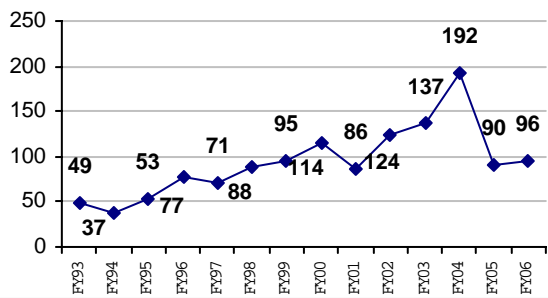
Adair



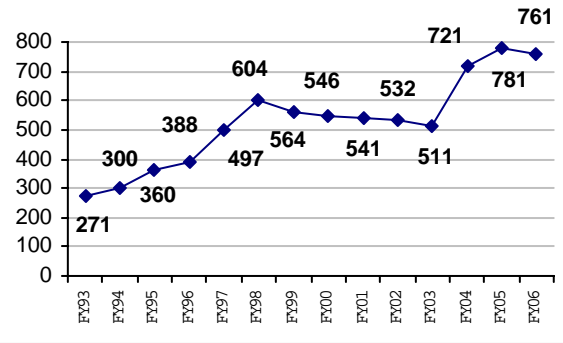
Andrew



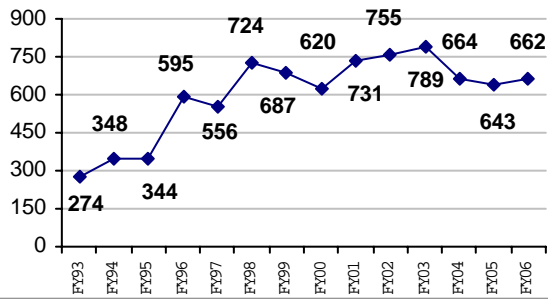
Atchinson



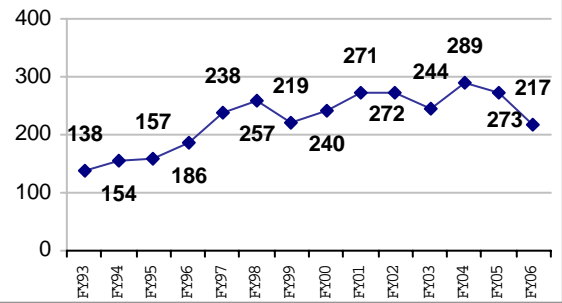
Audrain



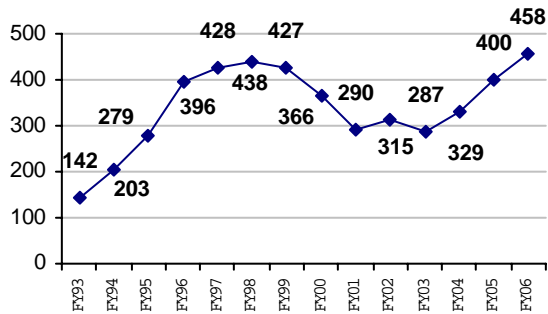
Barry



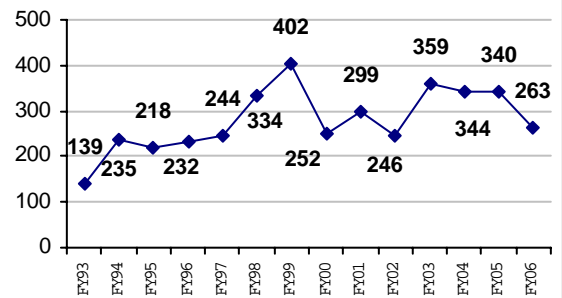
Barton



Bates

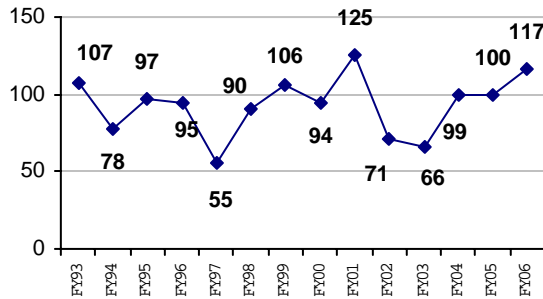


Benton

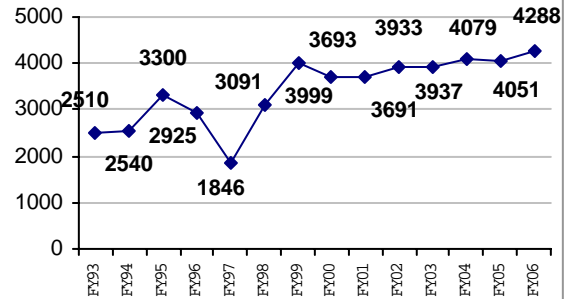


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

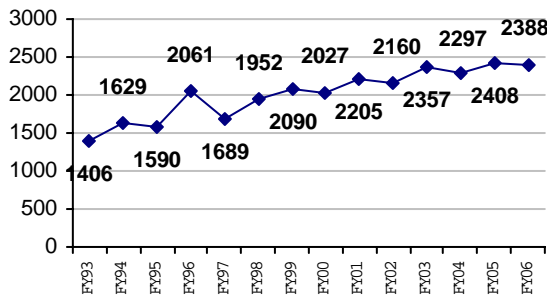
Bollinger



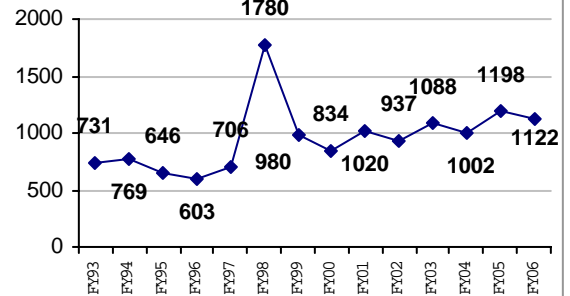
Boone



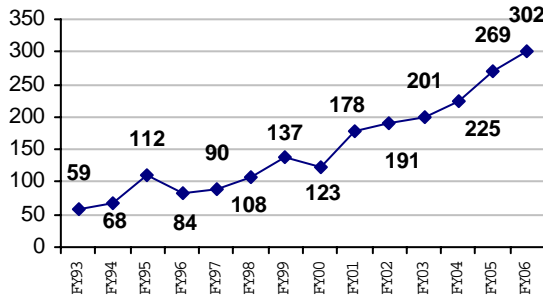
Buchanan



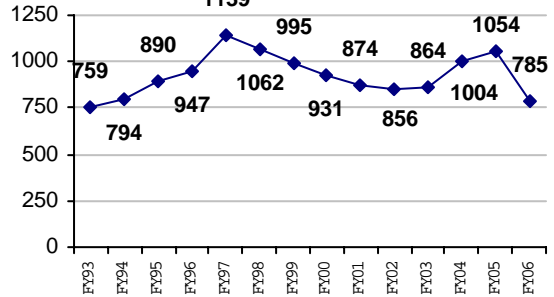
Butler



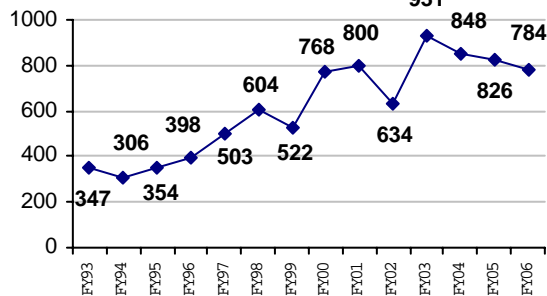
Caldwell



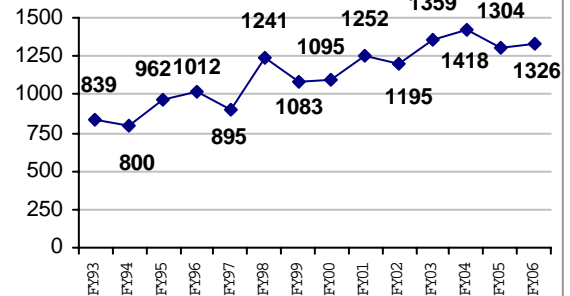
Callaway



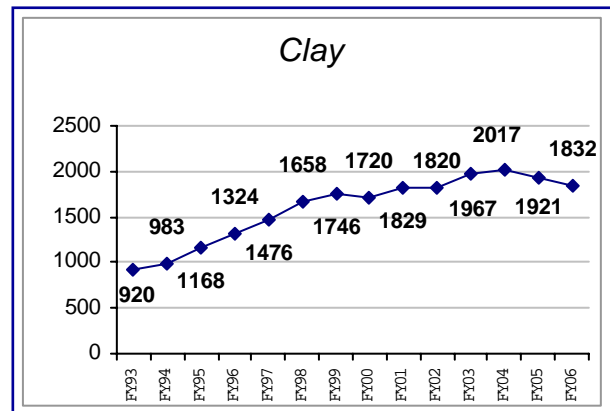
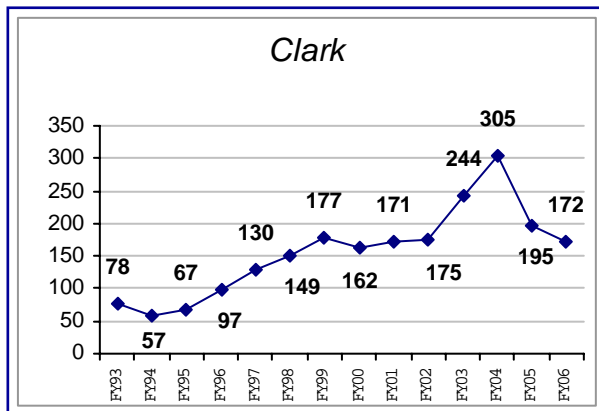
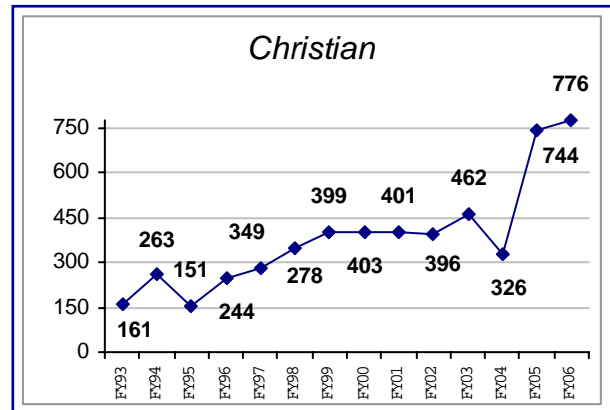
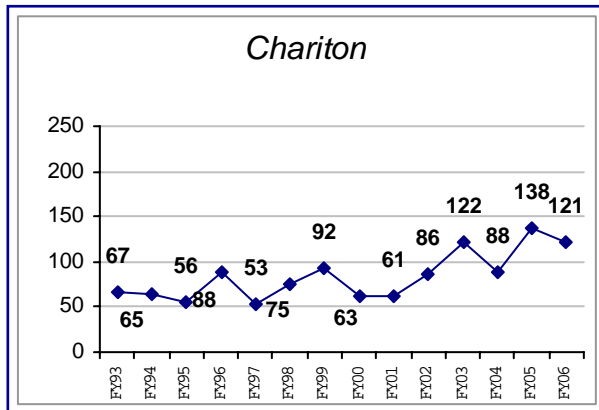
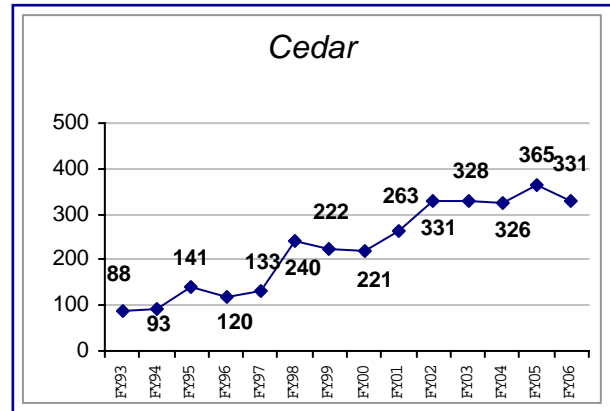
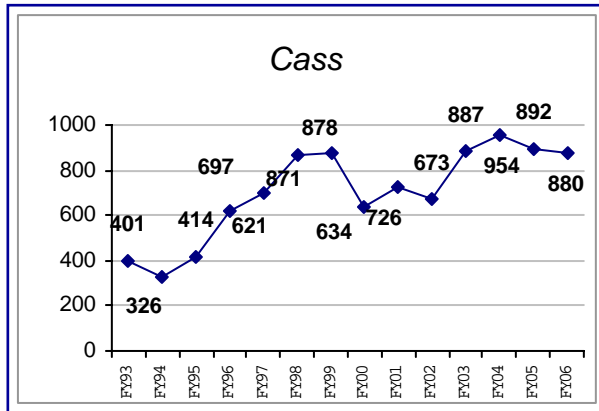
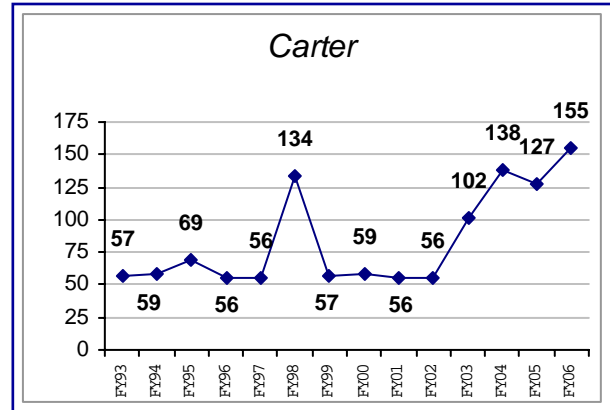
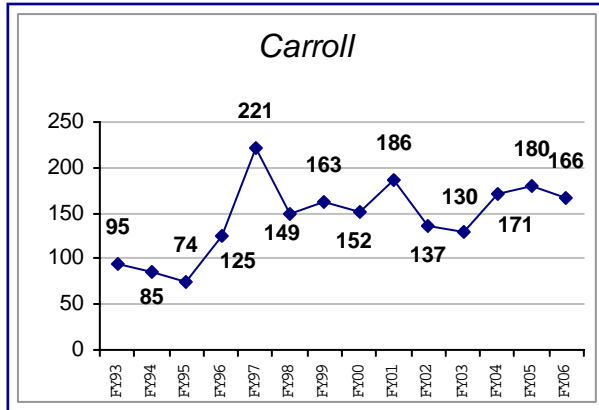
Camden



Cape Girardeau

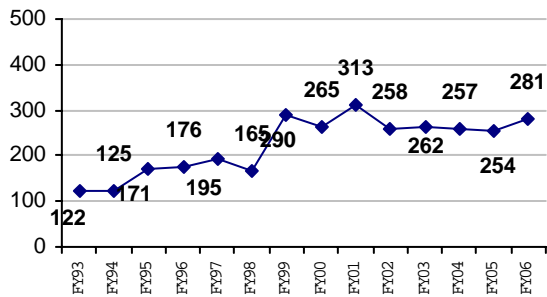


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

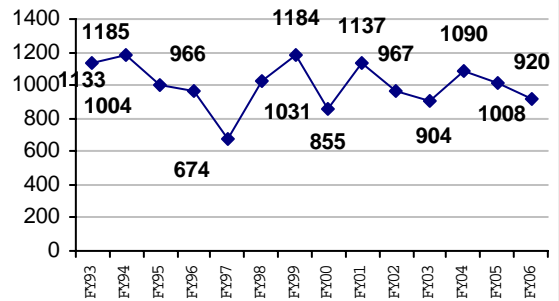


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

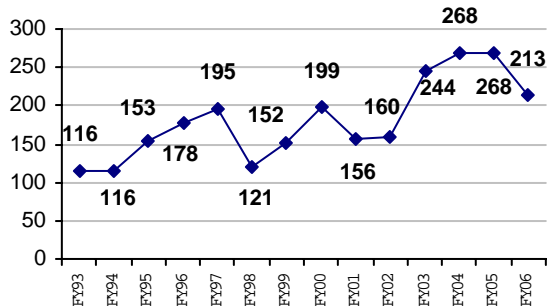
Clinton



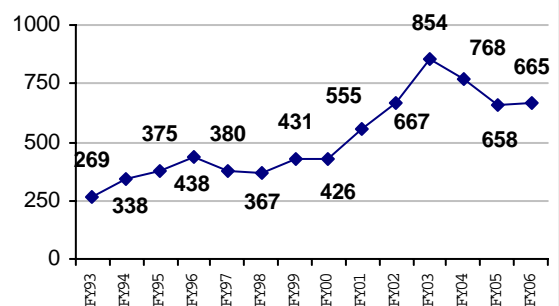
Cole



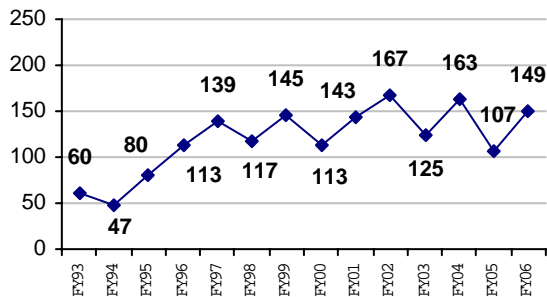
Cooper



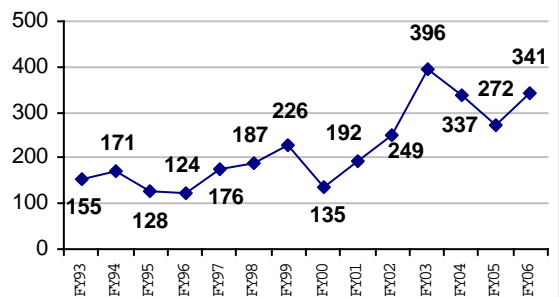
Crawford



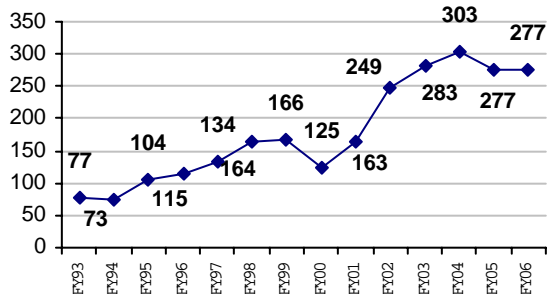
Dade



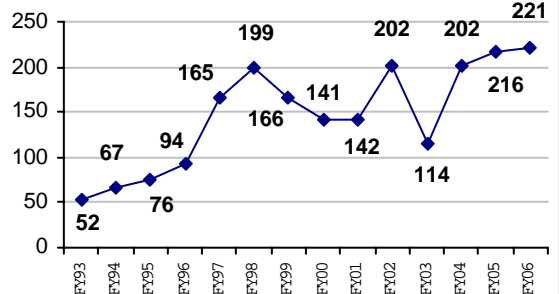
Dallas



Daviess

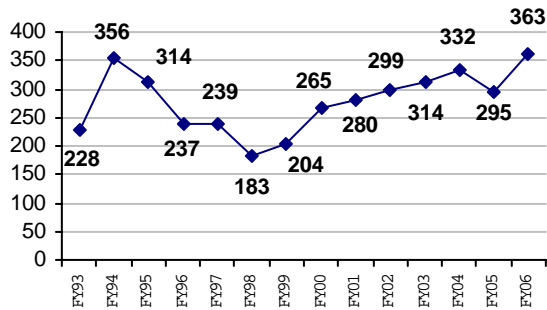


DeKalb

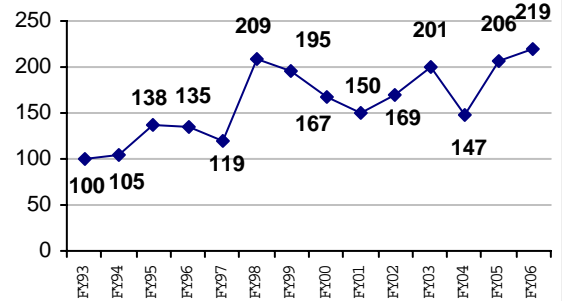


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

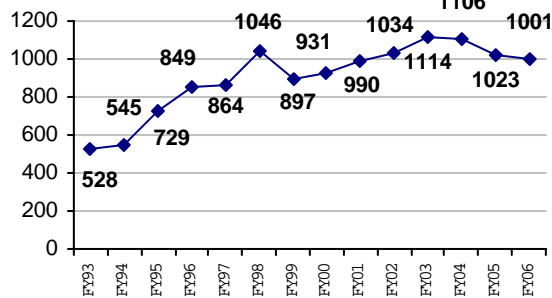
Dent



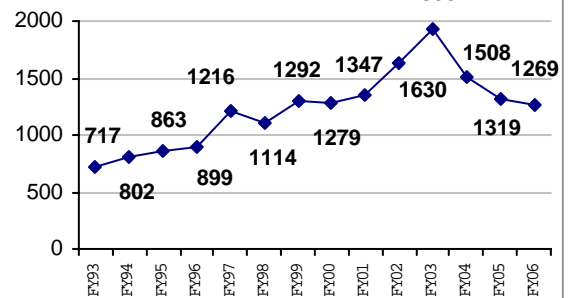
Douglas



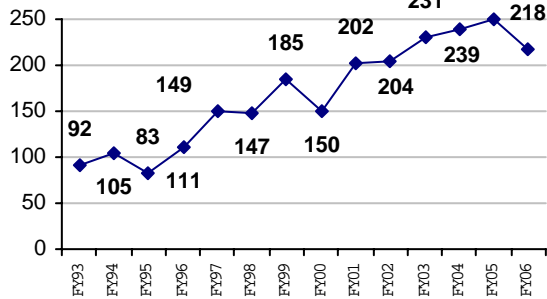
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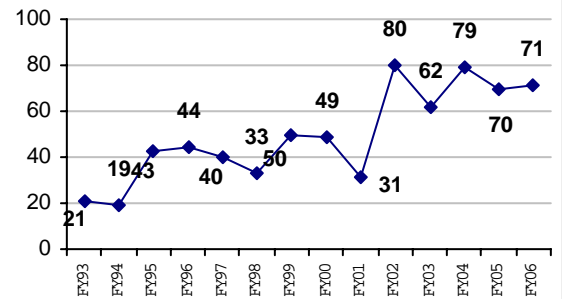
Franklin



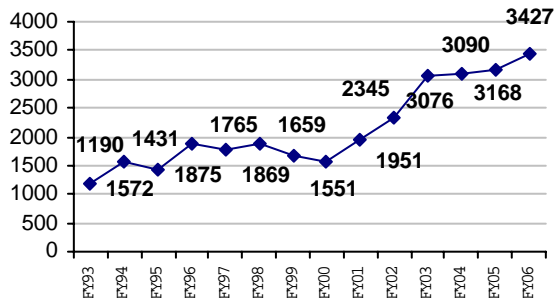
Gasconade



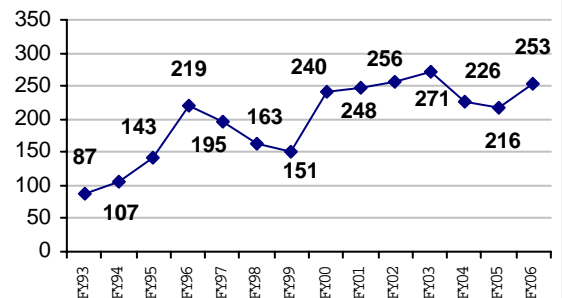
Gentry



Greene

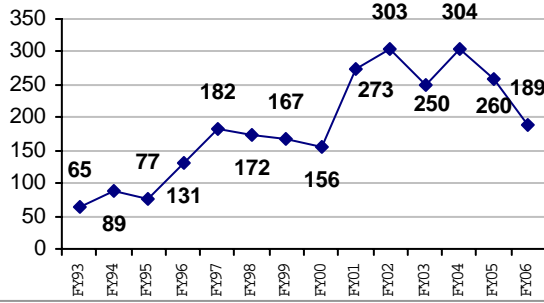


Grundy

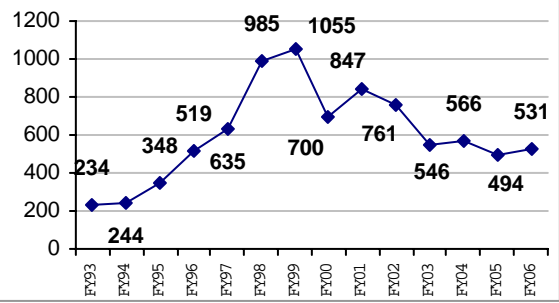


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

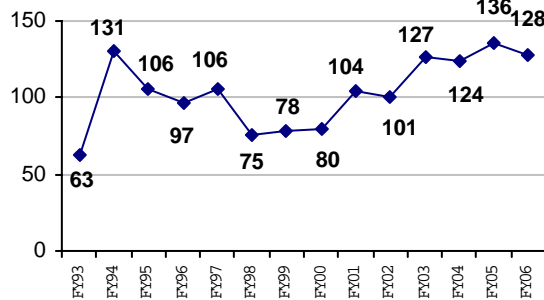
Harrison



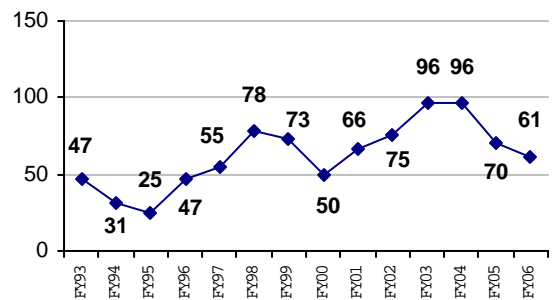
Henry



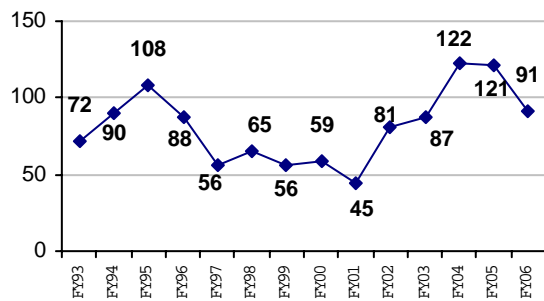
Hickory



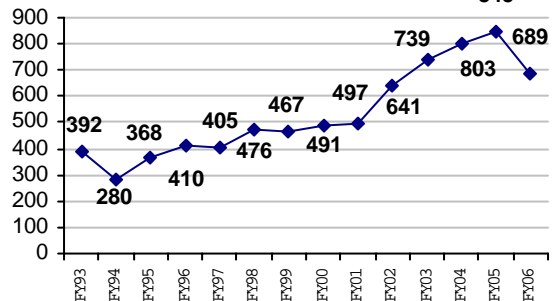
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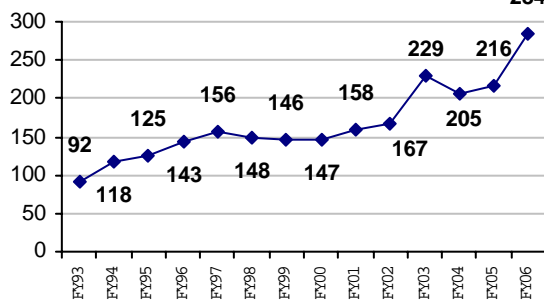
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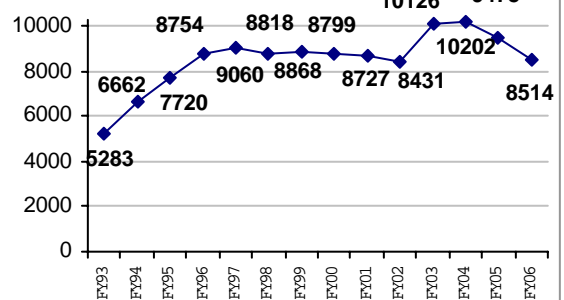
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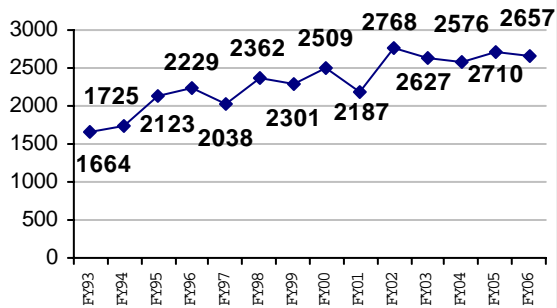


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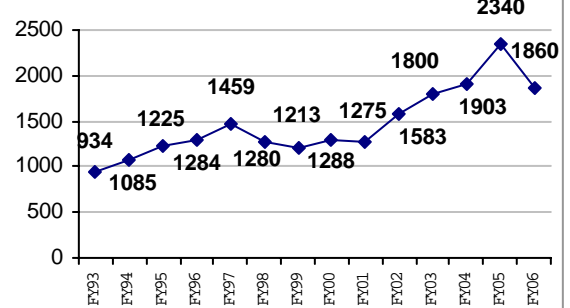


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

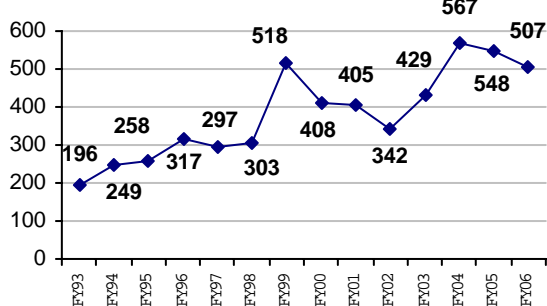
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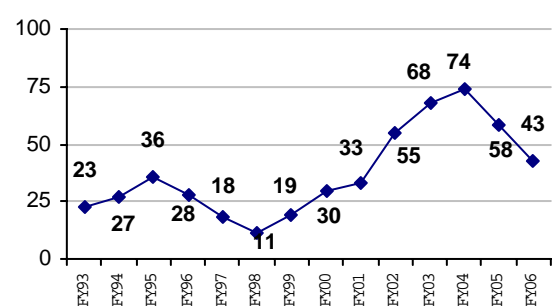
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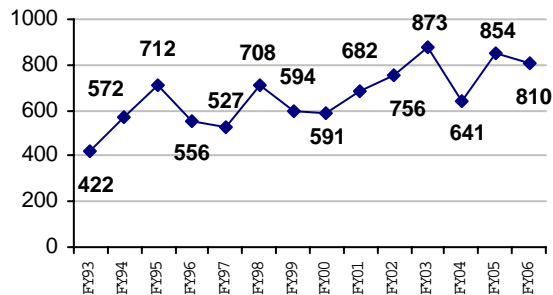
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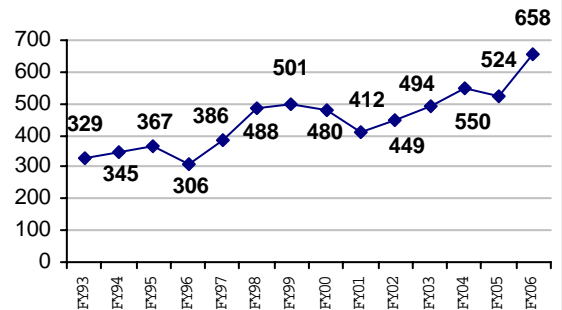
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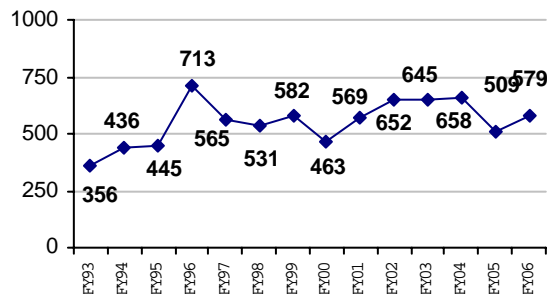
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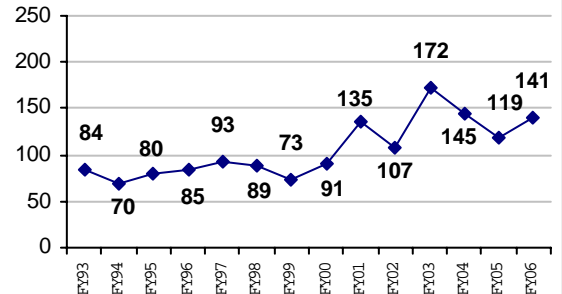
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Lawrence

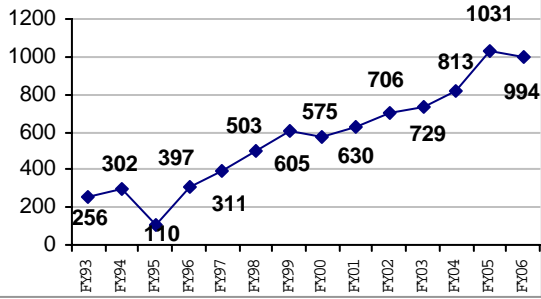


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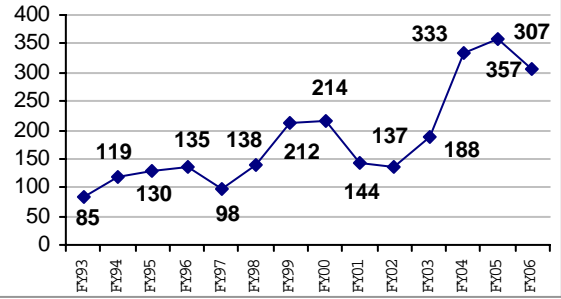


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

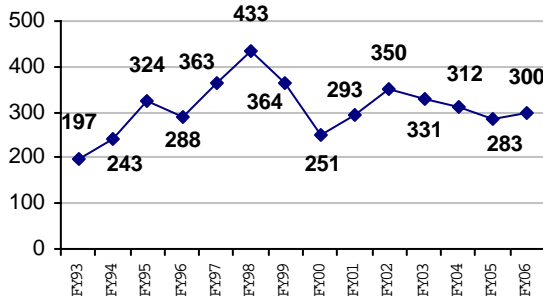
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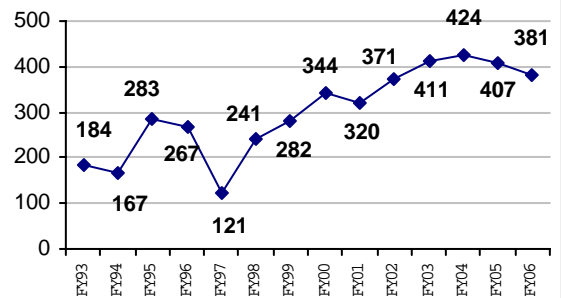
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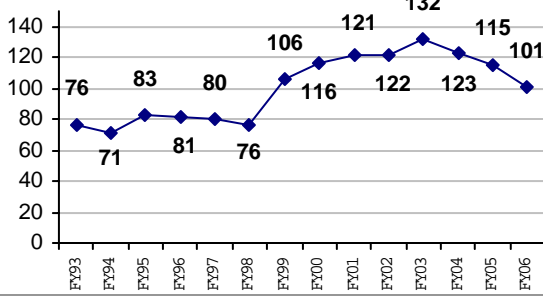
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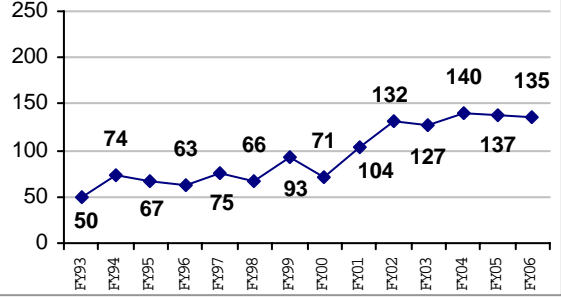
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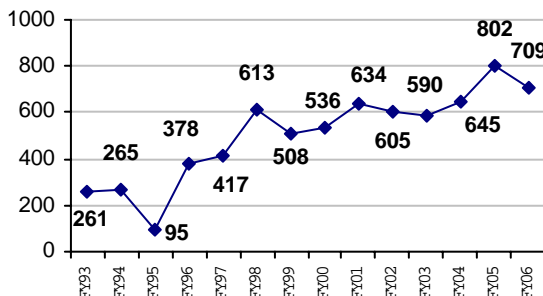
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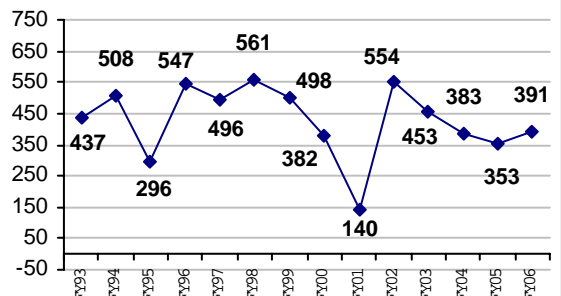
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Marion

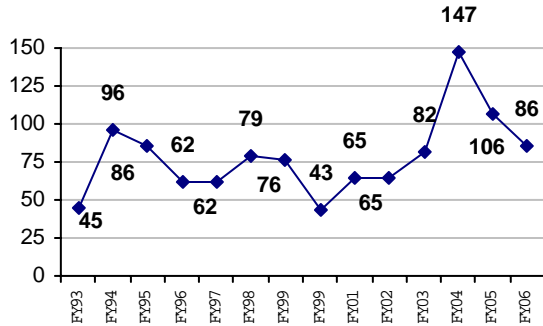


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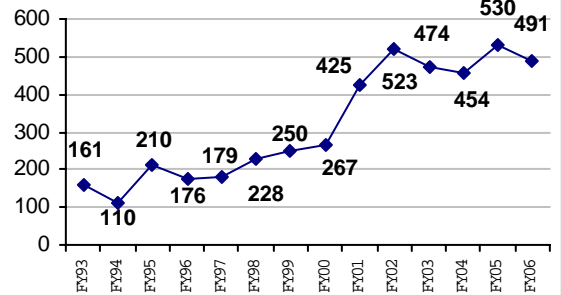


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

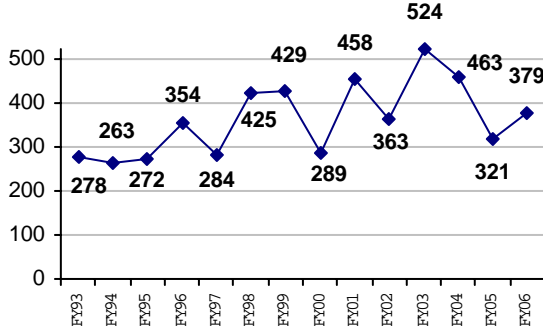
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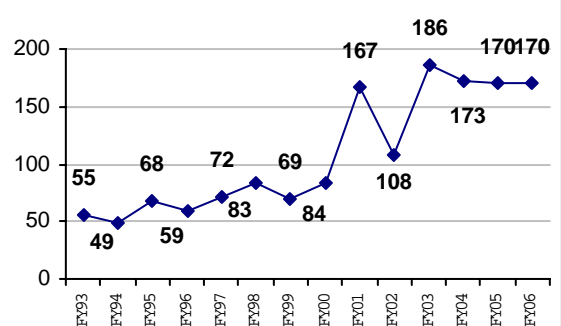
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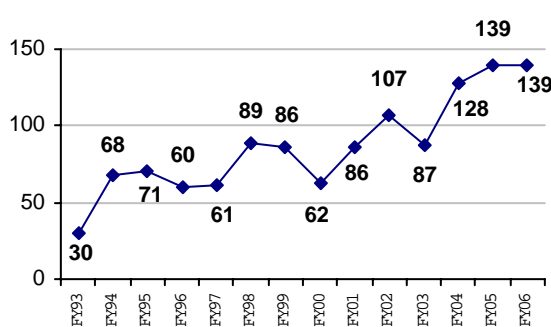
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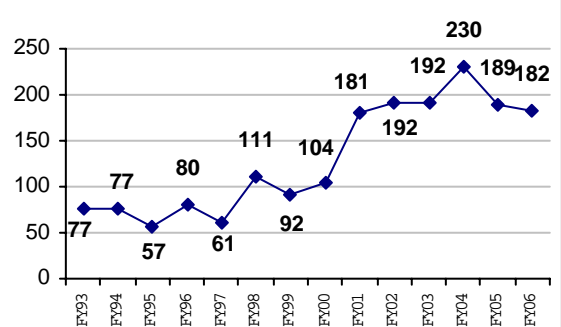
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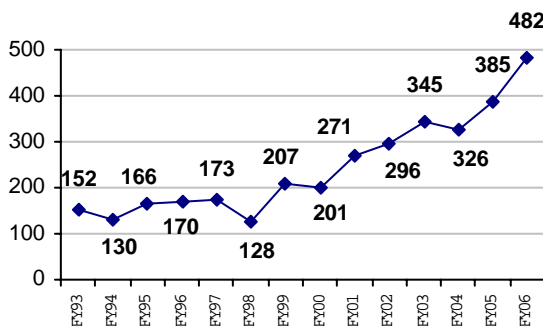
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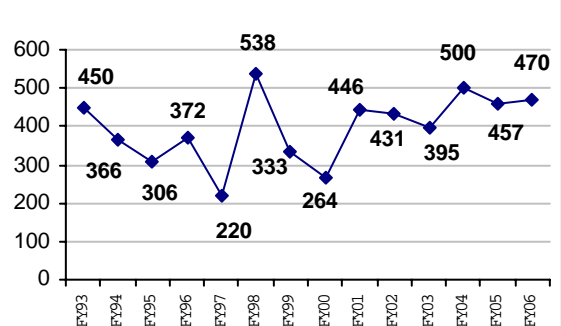
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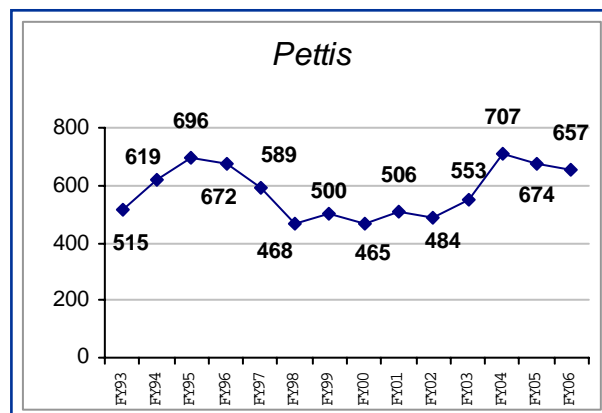
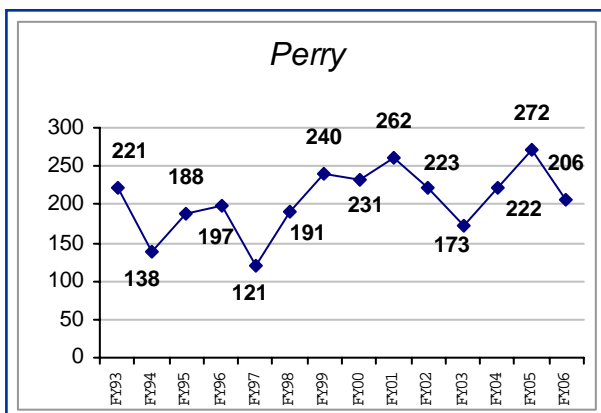
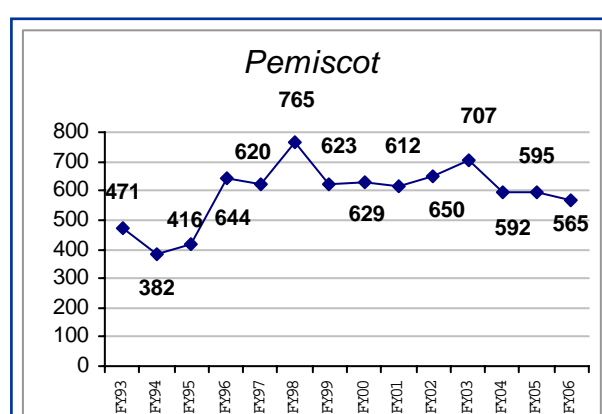
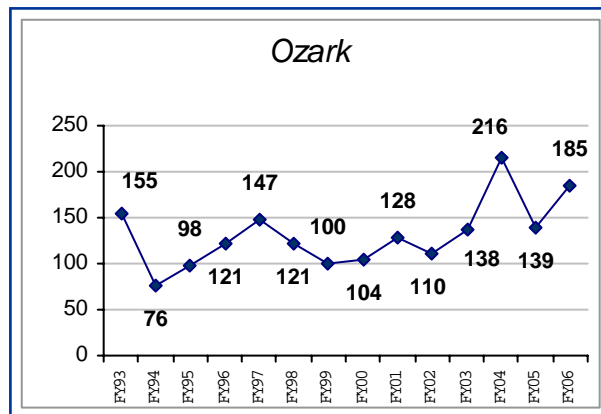
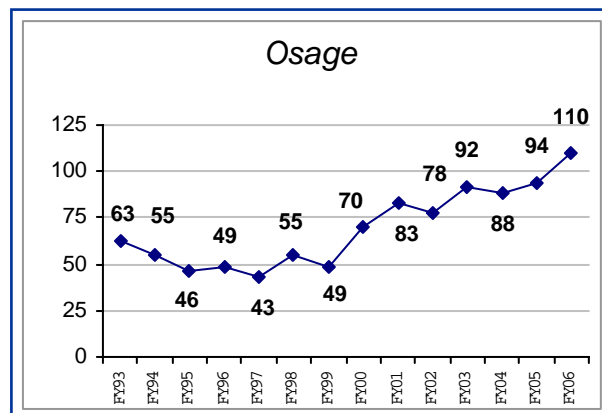
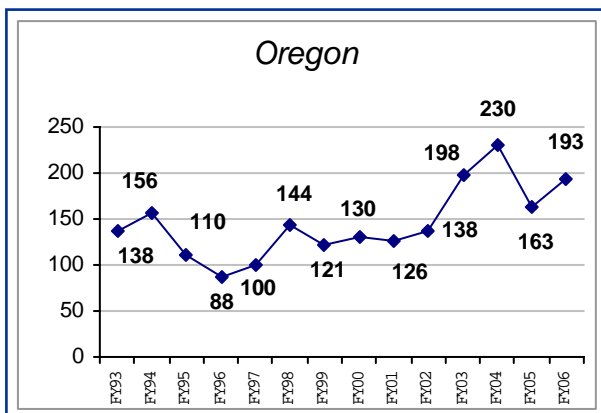
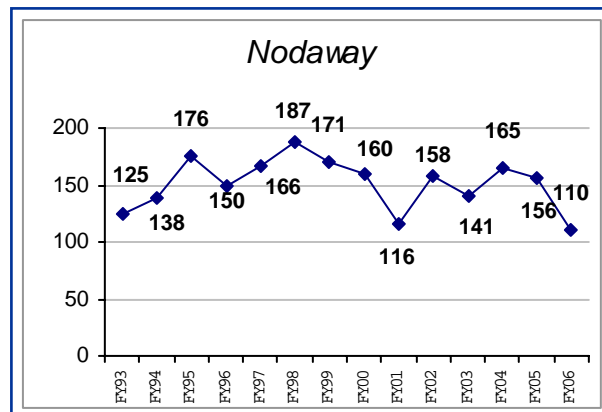
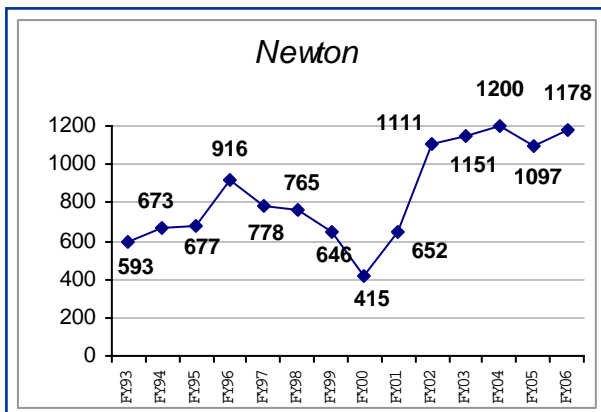
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NewMadrid

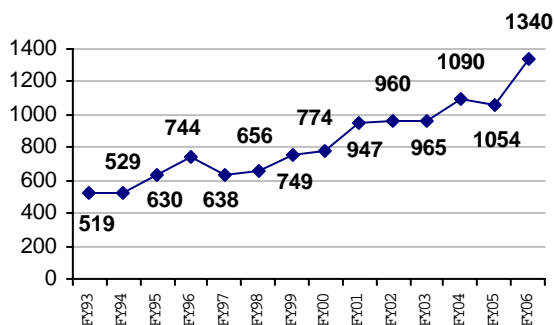


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

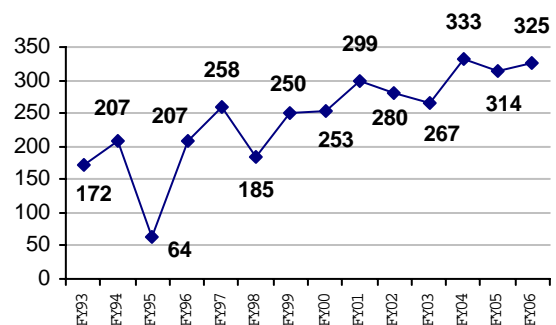


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

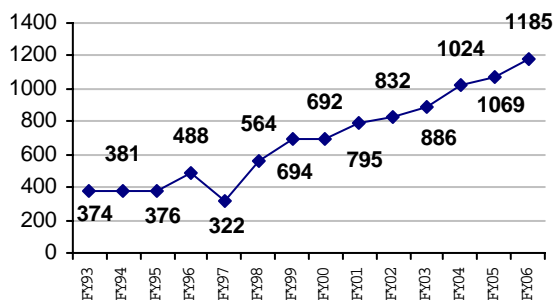
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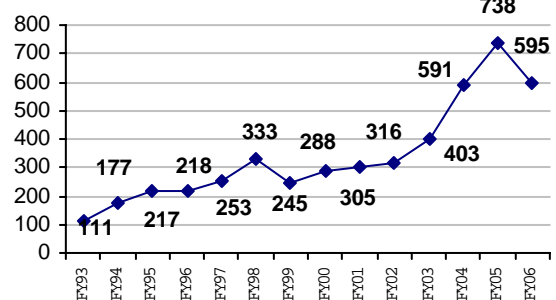
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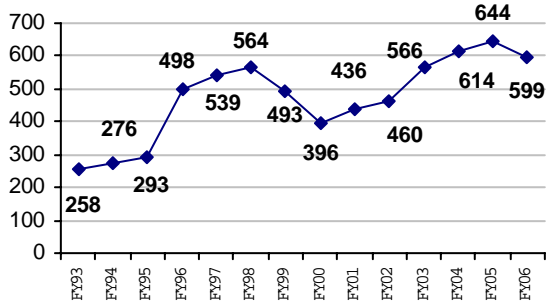
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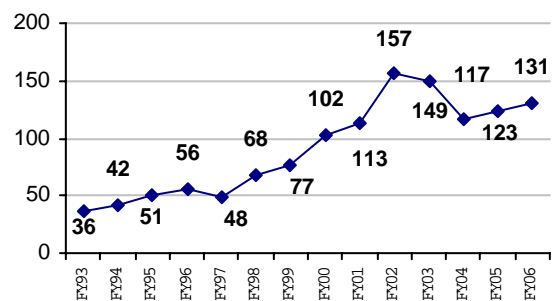
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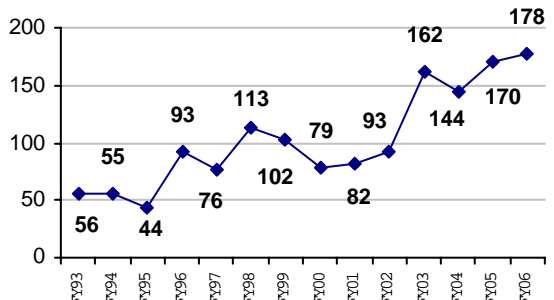
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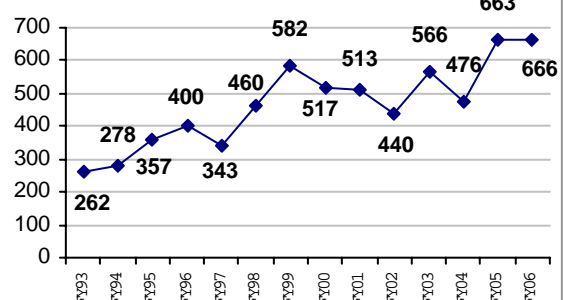
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Ralls

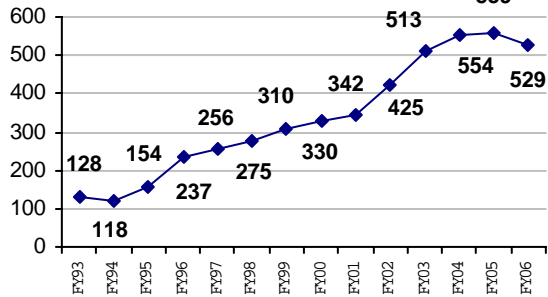


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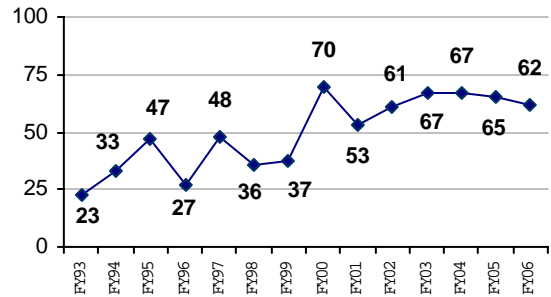


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

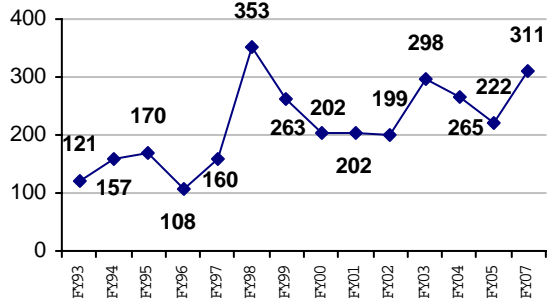
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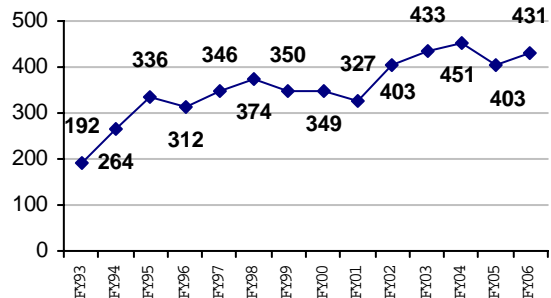
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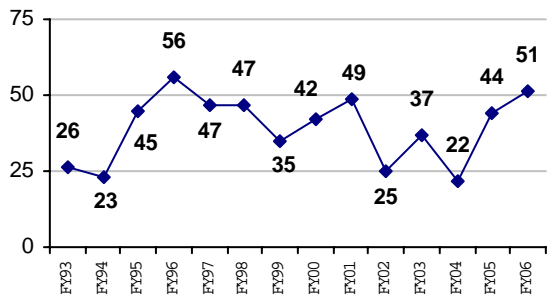
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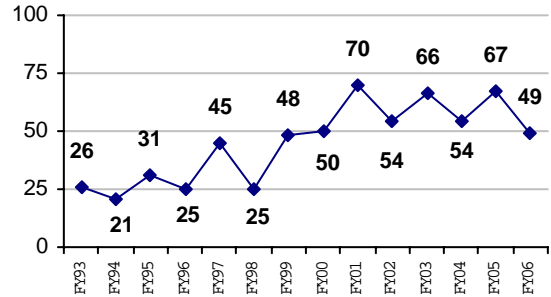
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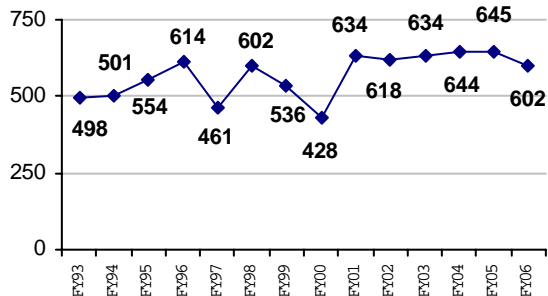
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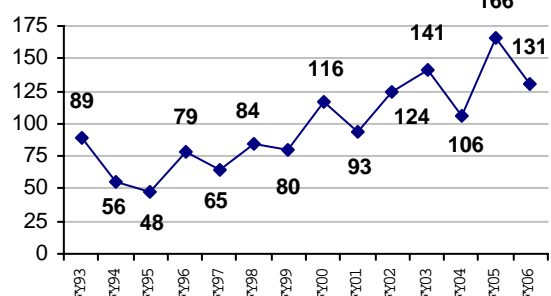
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Scott

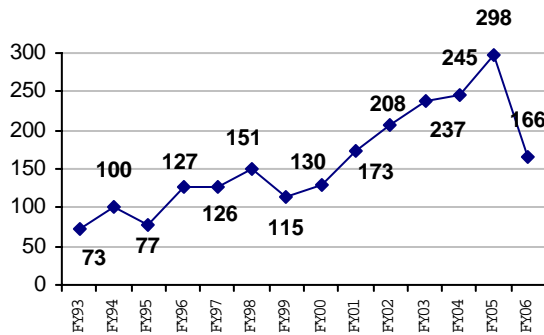


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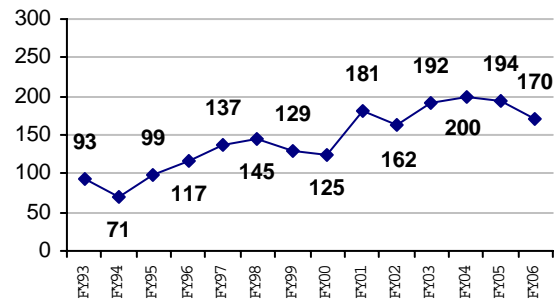


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

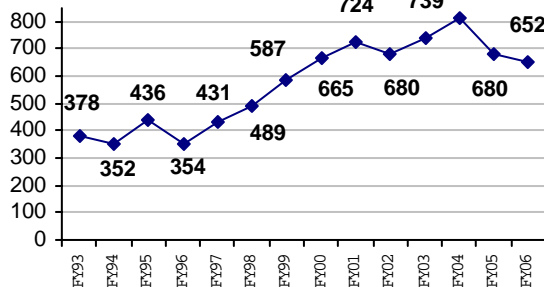
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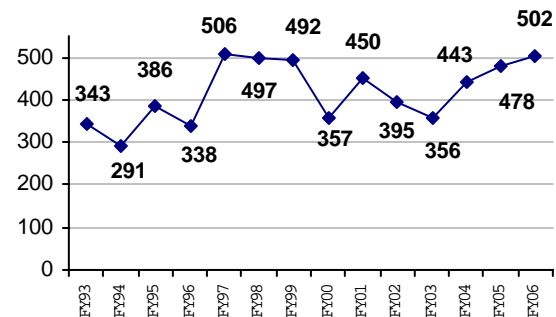
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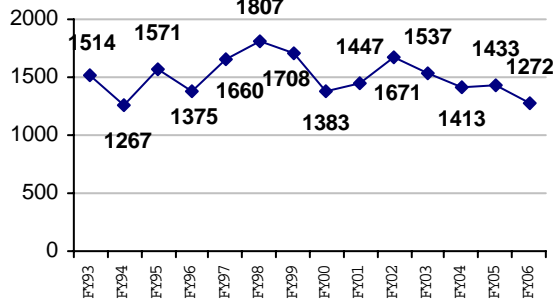
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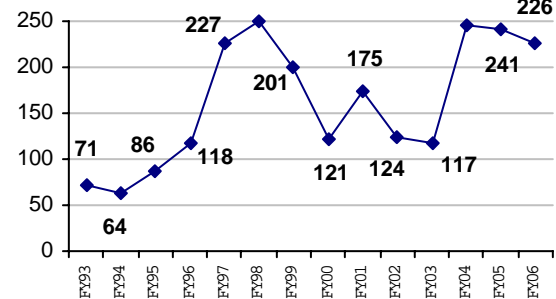
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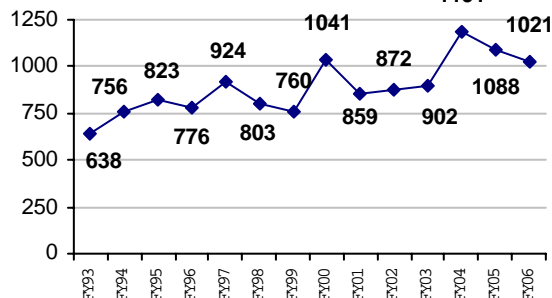
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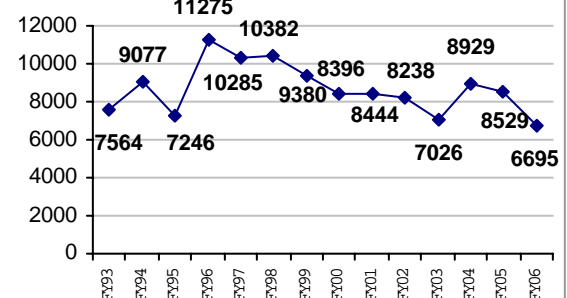
St. Clair



St. Francois

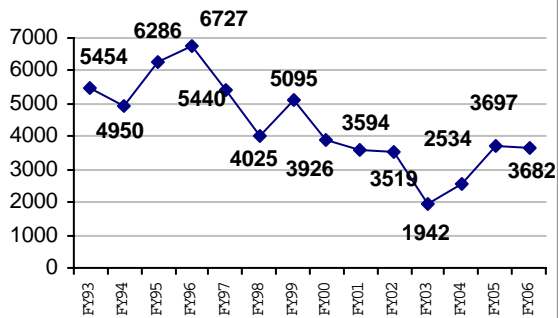


St. Louis City

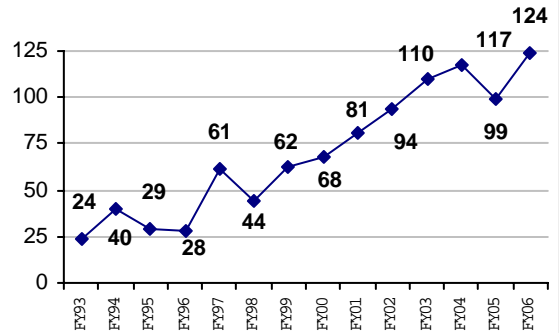


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

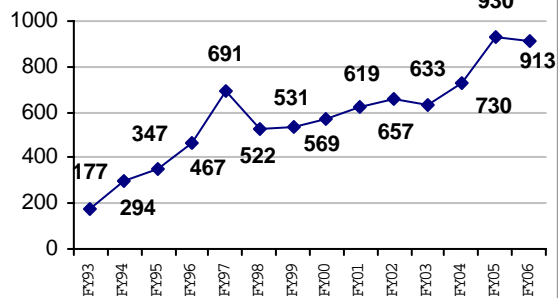
St. Louis County



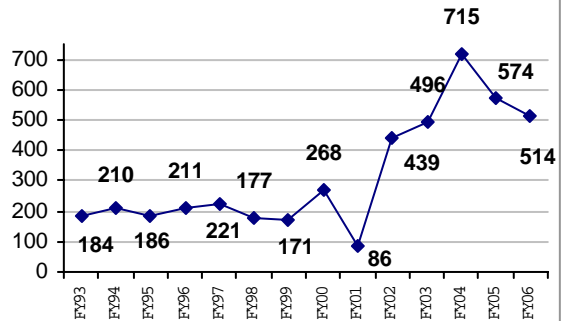
Sullivan



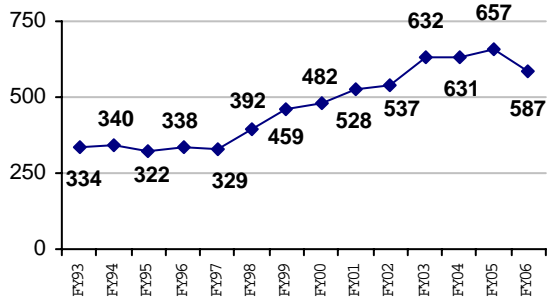
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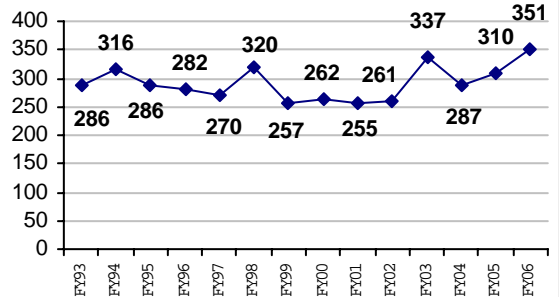
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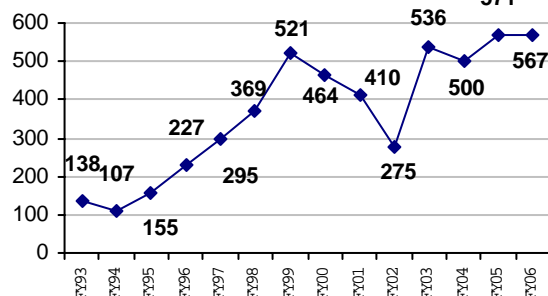
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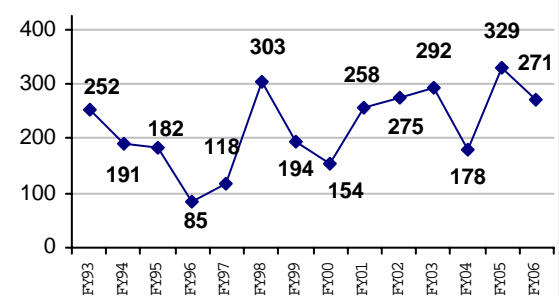
Warren



Washington

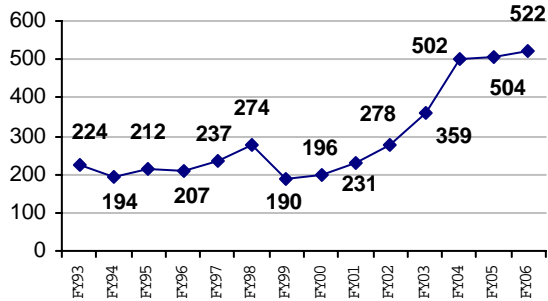


Wayne

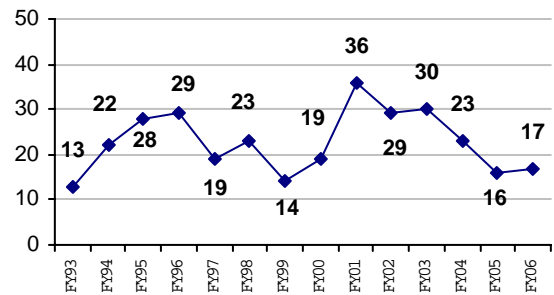


FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

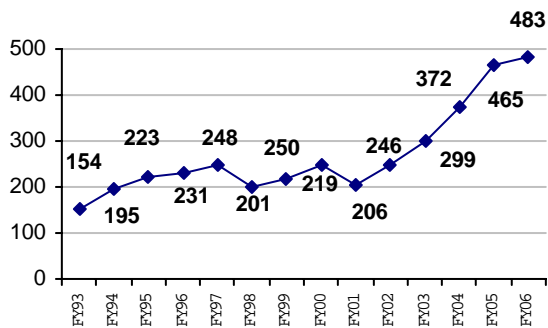
Webster



Worth



Wright



FIRST REGULAR SESSION
TRULY AGREED TO AND FINALLY PASSED

HOUSE BILL NO. 12
92nd GENERAL ASSEMBLY
FY2006

Section 12.400. To the Office of State Public Defender	
For the purpose of funding the State Public Defender System	
Personal Service 0911	\$22,984,589
Expense and Equipment 0912	<u>\$3,237,191</u>
Subtotal	\$26,221,780
For payment of expenses as provided by Chapter 600, RSMo.	
associated with the defense of violent crimes and/or the	
defense of cases where a conflict of interest exists	
Expense and Equipment 8727	<u>\$2,241,502</u>
From General Revenue Fund	\$28,463,282
For expenses authorized by the Public Defender Commission	
as provided by Section 600.090, RSMo.	
Personal Service 0951	\$117,378
Expense and Equipment 7673	<u>\$1,850,756</u>
From Legal Defense and Defender Fund	\$1,968,134
For refunds set-off against debts as required by	
Section 143.786, RSMo.	
From Debt Offset Escrow Fund 0753	\$350,000E
For all grants and contributions of funds from the federal	
government or from any other source which may be deposited	
in the State Treasury for the use of the Office of the State	
Public Defender	
From Federal Funds 4006	<u>\$125,000</u>
Total (Not to exceed 560.13 F.T.E.)	\$30,906,416

Cases Closed

Cost of Cases Closed

The direct cost, on average, of all cases disposed by the State Public Defender System (including Death Penalty Representation) in Fiscal Year 2006 was \$288. The Trial Division average was \$235.69. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in 1981.

Fiscal Year 2006 - Trial Division Costs Per Case							
	Location	Current District Defender	Total Costs For District	FY06 Cases Assigned	Cost Per Assignment	FY06 Cases Disposed	Cost Per Disposition
1	Juvenile	Sarah Lambright	\$298,775	866	\$345.01	682	\$438.09
2	Kirksville	Kevin Locke	\$175,312	681	\$257.43	685	\$255.93
4	Maryville	Jeff Stephens	\$189,256	531	\$356.41	526	\$359.80
5	St. Joseph	Michelle Davidson	\$451,565	2,417	\$186.83	2,271	\$198.84
6	Kansas City Juvenile	Mary Bellm	\$289,483	1,203	\$240.63	1,208	\$239.64
7	Liberty	Anthony Cardarella	\$706,756	3,415	\$206.96	3,343	\$211.41
10	Hannibal	Todd Schulze	\$279,257	1,546	\$180.63	1,483	\$188.31
11	St. Charles	Richard Scheibe	\$390,052	1,710	\$228.10	1,591	\$245.16
12	Fulton	Justin Carver	\$328,203	1,780	\$184.38	1,666	\$197.00
13	Columbia	Kevin O'Brien	\$743,428	4,713	\$157.74	4,381	\$169.69
14	Moberly	Ray Legg	\$335,997	1,556	\$215.94	1,537	\$218.61
15	Sedalia	Kathleen Brown	\$417,941	2,002	\$208.76	1,977	\$211.40
16	Kansas City	Joel Elmer	\$2,102,705	8,135	\$258.48	7,361	\$285.65
17	Harrisonville	Jeffery Martin	\$579,098	2,656	\$218.03	2,538	\$228.17
19	Jefferson City	Jan King	\$264,245	1,214	\$217.66	1,129	\$234.05
20	Union	Lisa Preddy	\$384,580	1,479	\$260.03	1,432	\$268.56
21	St. Louis County	Nanci McCarthy	\$1,094,755	3,968	\$275.90	3,684	\$297.16
22	St. Louis City	Eric Affolter	\$1,719,956	6,924	\$248.40	6,203	\$277.28
23	Hillsboro	Tony Manansala	\$393,458	1,915	\$205.46	1,828	\$215.24
24	Farmington	Wayne Williams	\$555,181	2,275	\$244.04	2,202	\$252.13
25	Rolla	Jahnel Lewis	\$622,865	3,926	\$158.65	3,564	\$174.77
26	Lebanon	James Wilson	\$549,760	2,844	\$193.31	2,733	\$201.16
28	Nevada	Joe Zuzal	\$280,657	1,213	\$231.37	1,236	\$227.07
29	Joplin	Darren Wallace	\$1,055,878	4,166	\$253.45	4,137	\$255.23
30	Buffalo	Dewayne Perry	\$371,239	1,903	\$195.08	1,772	\$209.50
31	Springfield	Rodney Hackathorn	\$943,513	5,561	\$169.67	4,994	\$188.93
32	Jackson	Christopher Davis	\$693,635	2,863	\$242.28	2,581	\$268.75
34	Caruthersville	Amy Skrien	\$288,651	1,112	\$259.58	1,058	\$272.83
35	Kennett	Catherine Rice	\$321,204	1,693	\$189.72	1,637	\$196.22
36	Poplar Bluff	Jerry Montgomery	\$309,611	1,871	\$165.48	1,857	\$166.73
37	West Plains	Donna Anthony	\$262,928	1,152	\$228.24	1,008	\$260.84
39	Monett	Victor Head	\$638,300	2,215	\$288.17	2,051	\$311.21
43	Chillicothe	David Miller	\$585,260	2,590	\$225.97	2,533	\$231.05
44	Ava	Linda McKinney	\$214,216	865	\$247.65	856	\$250.25
45	Troy	Thomas Gabel	\$267,363	1,366	\$195.73	1,317	\$203.01

Fiscal Year 2006 - Commitment Defense Unit Costs Per Case

	Location	Current District Defender	Total Costs For District	FY06 Cases Assigned	Cost Per Assignment	FY05 Cases Disposed	Cost Per Disposition
71	Commitment Defense Unit	Tim Burdick	\$403,087	38	\$10,607.55	19	\$21,215.10

Fiscal Year 2006 - Appellate Division Costs Per Case

	Location	Current District Defender	Total Costs For District	FY06 Cases Assigned	Cost Per Assignment	FY06 Cases Disposed	Cost Per Disposition
50	Columbia Appellate	Ellen Flottman	\$687,390	327	\$2,102.11	286	\$2,403.46
51	St. Louis Appellate	Scott Thompson	\$484,440	253	\$1,914.78	253	\$1,914.78
52	Kansas City Appellate	Susan Hogan	\$322,540	137	\$2,354.31	166	\$1,943.01
67	Appellate/PCR Central A	Steve Harris	\$588,645	331	\$1,778.38	354	\$1,662.84
68	Appellate/PCR Eastern B	Renee Robinson	\$354,264	268	\$1,321.88	258	\$1,373.11
69	Appellate/PCR Western B	Ruth Sanders	\$198,479	143	\$1,387.97	147	\$1,350.20

Fiscal Year 2006 - Capital Division Costs Per Case

	Location	Current District Defender	Total Costs For District	FY06 Cases Assigned	Cost Per Assignment	FY06 Cases Disposed	Cost Per Disposition
53	Columbia Capital	Jan Zembles	\$675,676	6	\$112,613	1	\$675,676
54	St. Louis Capital	Robert Wolfrum	\$1,048,058	11	\$95,278	8	\$131,007
55	Kansas City Capital	Thomas Jacquinet	\$521,607	5	\$104,321	5	\$104,321

Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocation hearings and preliminary and motion hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition, while others require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri Public Defenders and support staff.

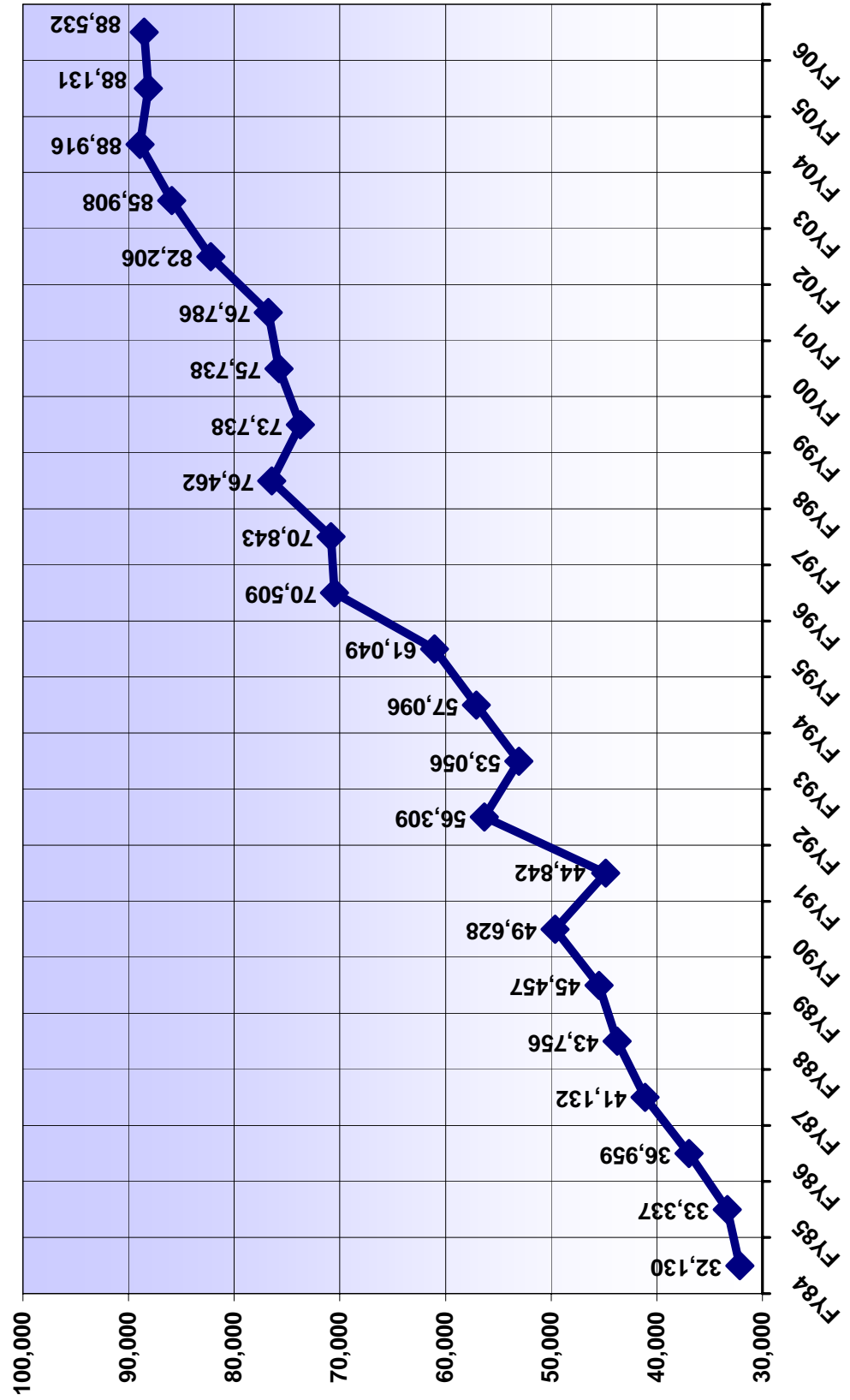
FY2006 - Trial Division Closed Cases by Disposition Type		
	Description	# of Cases
01	Withdrawn	6,391
60	Missouri Bar Volunteer Program	250
02	Dismissed/Withdrawn	11,801
03	NGRI	22
04	Guilty Plea	39,320
05	Court Trial	415
06	Jury Trial	396
10	Juvenile Hearing	1,006
11	Certification Hearing	66
12	Juvenile Informal Hearing	265
15	PCR No Hearing	2
20	Chapter 552	26
25	Probation Violation Hearing	16,189
30	Preliminary Writ Granted	5
32	Preliminary Writ Denied	4
35	Appeal Decision	5
41	Conflict Transfer	2,853
42	Conflict Assignment	594
50	Capias Warrant > than 1 year	1,100
00	Unknown	<u>350</u>
	Total Trial Division Closed Cases	81,060

Missouri State Public Defender System

Cases Assigned by Case Type

	Murder 1st	Other Homicide	Felony	Murder + Felony	Misdemeanor	Juvenile	PCR	Other	Probation	Appeals	Total Opened	Total Closed	Closed to Open Ratio
FY08 PROJECTION	139	169	38,376	38,684	31,681	3,777	934	41	23,284	761	99,162	91,226	0.9200
FY07 PROJECTION	139	157	36,826	37,122	29,904	3,726	884	43	21,260	735	93,674	87,152	0.9304
FY06 ACTUAL	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260	0.9405
FY05 ACTUAL	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180	0.9892
FY04 ACTUAL	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356	0.9712
FY03 ACTUAL	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059	0.9436
FY02 ACTUAL	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01 ACTUAL	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00 ACTUAL	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99 ACTUAL	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876

Public Defender Caseload Analysis



Commitment Defense Representation

The Missouri State Public Defender Commitment Defense Unit represents poor people against whom the state has instituted civil commitment proceedings under Missouri's Sexually Violent Predator law. This law enables the state to indefinitely detain people who have no new conviction and who have completed their prison sentences on certain types of sex offenses.

The Commitment Defense cases require experienced attorneys familiar with complex litigation and the use of expert witnesses. In addition to extensive knowledge of criminal law, these cases also require our attorneys to have extensive knowledge of civil law and litigation. Courts have interpreted many of these civil commitment proceeding to be civil rather than criminal, but we are statutorily required to represent these clients.

FY 2006 Commitment Defense Unit Caseload Statistics	
	# of Cases
Opened in FY 2006	38
Closed in FY 2006*	<u>18</u>
Jury Trials	9
Bench Trials	1
Release Petitions Delayed	4
Stipulations w/ Preservation of Legal Issues	2
Dismissals	2
*Closed Cases are only temporary since any one committed has hearing and possibly trial right again in a year	

Alternative Sentencing Program

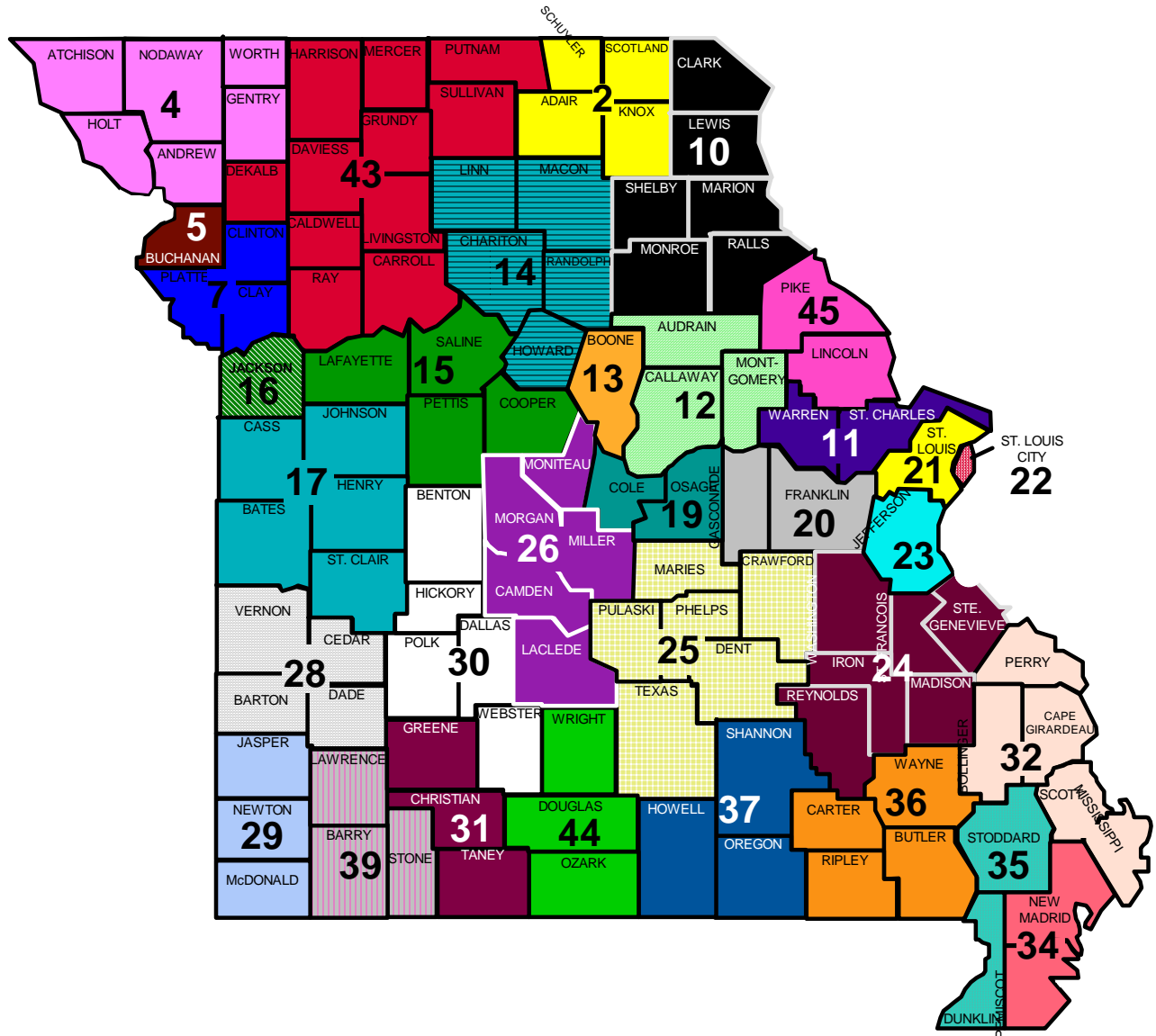
The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, often results in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution. Alternatives to incarceration are found to produce lower recidivist rates resulting in significant cost savings for the state.

The Alternative Sentencing assisted in 256 cases where probation was granted.

FY2006 ALTERNATIVE SENTENCING Caseload Statistics	
Case Type	# of Cases
A- Felony	94
B—Felony	134
C—Felony	376
D—Felony	106
Misdemeanor	53
Unclassified Sex Offense	45
Juvenile	9
Total FY2006 Alternative Sentencing	817

FY2006 ALTERNATIVE SENTENCING Plans and Referrals	
Description	# of Cases
Sentencing with Full Alternative Sentencing Plan or Mitigation Report	390
Referrals - Treatment Placements	388
Psychiatric Triage	39
Total FY2006 Alternative Sentencing Caseload	817

Missouri State Public Defender Trial Division District Map



Fiscal Year 2008

Legislative Budget Request

Caseload Crisis

This decision item will only provide funding at the FY2006 caseload level and does not include any request for projections of the FY2008 caseload. Straight-line projection over the last 20+ years would indicate a probable caseload growth to over 99,000 cases. However, over the last two years, caseload growth has been slower. Therefore, for the purpose of this budget request, we are asking only for what is absolutely essential to handle cases we already have.

In December of 2000, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, published the “*Compendium of Standards for Indigent Defense Systems*”. The *Compendium* brings together standards from a wide variety of sources. It shows the different ways in which practice and procedures are addressed. It also addresses: administration of defense systems, attorney performance, capital case representation, appellate services, and juvenile justice defense. Also included in this compendium is the Department of Justice’s National Advisory Commission on Criminal Justice Standards and Goals report setting out the maximum recommended caseloads for public defenders.

NAC Standard 13.12. Workload of Public Defenders

The caseload of a public defender office should not exceed the following:

Caseload of attorneys per year:

Felonies—Not more than 150

Misdemeanors—Not more than 400

Juvenile Cases—not more than 200

Mental Health Cases— not more than 200;

Appeals per attorney per year: not more than 25.

Consultation with Senate Leadership and members of the Senate Interim Committee on the Public Defender, resulted in the recommendation that MSPD simply utilize the already-existing national caseload standard rather than expend additional state funds to conduct its own study. In accordance with that recommendation, MSPD has utilized herein the public defender caseload standard developed by the Department of Justice’s National Advisory Commission on Criminal Justice Standards and Goals. This standard has served as the basis for most other state public defender caseload caps [See the *Compendium of Standards for Indigent Defense Systems*] and was cited by the ABA in its July, 2006 ethical advisory opinion as a guide for public defenders in determining the point at which they are ethically and professionally obligated to refuse additional cases due to case overload.

TRIAL DIVISION

The actual number of new cases assigned to the State Public Defender's Trial Division was 86,368 in Fiscal Year 2006. Using the NAC standards shown above the required number of trial division attorneys to effectively provide representation is 394. The trial division currently has 292 attorney FTE allocated. Therefore, this decision item requests the 102 additional attorneys to staff the trial division at the NAC recommended staffing levels.

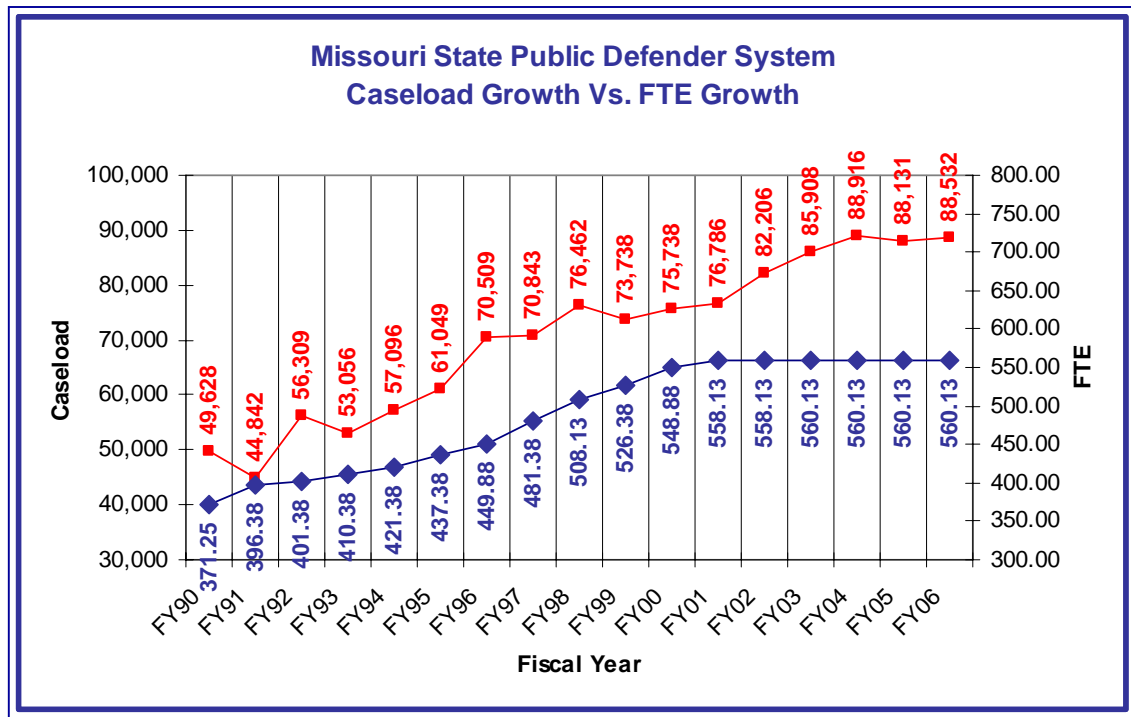
These calculations presume no reduction in MSPD caseload. If the legislature should decide to adopt some of the ideas now being explored by the Senate Interim Committee concerning reclassifying traffic or largely collections type cases as infractions to eliminate the constitutional requirement of counsel or if the legislature should decide to move to a system where all misdemeanor cases are handled by private attorney appointments, these numbers would go down accordingly.

NAC/ABA Standard to FY2006 Trial Division Caseload				
Type Code	Description	Cases Opened	NAC/ABA Standard	Number of Attorneys
15	Homicide - Non Capital	250	12	21
62	Sexually Violent Predator*	38	10	4
30	Felonies	34,902	150	233
40	Misdemeanor	17,855	400	45
	Traffic **	10,316	400	26
50	Juvenile	3,642	200	18
65	Probation Violation	19,365	400	48
		86,368		
				394
	FY2007 - Public Defender Trial Division Attorneys			<u>292</u>
	Number of Additional Attorneys Required to meet Standard			102

*Sexually Violent Predator caseloads have not been evaluated by the NAC/ABA.

The standard was developed internally by MSPD, based upon the complexity of the litigation involved.

** "Traffic" and "Misdemeanor" cases are both case types 40. For the purposes of this analysis, traffic cases were separated using charge codes.



This decision item is one method of appropriately staffing and funding the Public Defender System. Another alternative and a separate decision item was developed utilizing additional support staff. The two decision items are mutually exclusive but could be combined and re-configured.

Personal Service

102.00 Assistant Public Defender III at Range 30 - \$46,284 per year	\$4,720,968
34.00 Paralegal/Investigator (1 to every 3 attorneys) at Range 18 \$26,964 per year	\$916,776
20.50 Clerk III (1 to every 5 attorneys) at Range 12 \$22,428 per year	<u>\$459,774</u>
Total Personal Service	\$6,097,518

Expense & Equipment

One-time Purchases

Attorneys 102 * \$4,750	\$484,500
Paralegal/Investigator Package 34 * \$4,865	\$165,410
Secretaries 21 * \$10,700	<u>\$224,700</u>
Total One-Time Purchases	\$874,610

On-Going Costs

Attorneys 102 * \$9,600	\$979,200
Paralegal/Investigators 34 * \$9,275	\$315,350
Secretaries 20.50 * \$4,050	<u>\$83,025</u>
Total Personnel Related On-Going Costs	<u>\$1,377,575</u>

Total Expense and Equipment **\$2,252,185**

Total Decision Item Request **\$8,349,703**

Appellate Division

The actual number of new cases assigned to the State Public Defender's Appellate Division was 1,459 in Fiscal Year 2006. Using the NAC standards shown above the required number of appellate division attorneys to effectively provide representation is 42. The appellate division currently has 36.50 attorney FTE allocated. Therefore, this decision item requests the 5.75 additional attorneys to staff the appellate division at the NAC recommended levels.

NAC/ABA Standard to FY2006 Appellate Division Caseload				
	Description	Cases Opened	NAC/ABA Standard	Number of Attorneys
	Death Penalty PCR	4	6	1
	Felony Appeals	370	25	15
	PCR Appeals	332	25	13
	PCR 24.035	500	150	3
	PCR 29.15	222	25	9
	Other	31	25	1
		1,459		
				42.20
	FY2007 - Public Defender Trial Division Attorneys			36.50
	Number of Additional Attorneys Required to meet Standard			5.70

Personal Service

5.75 Assistant Public Defender III at Range 30 - \$46,284 per year	\$266,133
2.00 Paralegal/Investigator at Range 18 - \$26,964 per year	\$53,928
1.00 Clerk III at Range 12 - \$22,428 per year	<u>\$22,428</u>
Total Personal Service	\$342,489

Expense & Equipment

One-time Purchases

Attorneys 6 * \$4,750	\$28,500
Paralegal/Investigator Package 2 * \$4,865	\$9,730
Secretaries 1 * \$10,700	<u>\$10,700</u>
Total One-Time Purchases	\$48,930

On-Going Costs

Attorneys 5.75 * \$9,600	\$55,200
Paralegal/Investigators 2.00 * \$9,275	\$18,550
Secretaries 4.50 * \$4,050	<u>\$4,050</u>
Total Personnel Related On-Going Costs	<u>\$77,800</u>

Total Expense and Equipment	<u>\$126,730</u>
Total Decision Item Request	\$469,219

Pilot Program—Pay for Performance— (Attorneys Only)

The FY07 critical class repositioning of attorney positions was a necessary step toward addressing the low pay of assistant public defenders. It still isn't enough. Additional progress must be made in order for the Missouri State Public Defender System to compete with other public and private employers seeking Missouri licensed attorneys.

MSPD is able to provide its attorneys with challenging, rewarding work. These attorneys need an income that will allow them to provide for their families and pay off student loans. The State of Missouri must continue to address the pay inequities of assistant public defender salaries. This will enhance our ability to retain a talented, trained attorney staff.

Efforts to implement a performance-based component of the pay plan are strongly supported by MSPD. Within-grade salary advancements based on employee performance will provide an opportunity to recognize exceptional performance. Under our Employee Performance Planning and Appraisal System, a five-level rating scale is defined for evaluating performance. The rating categories include: outstanding, highly successful, successful, improvement expected, and unsatisfactory. A successful employee is defined as a good performer, performing on a level expected of a trained, experienced, successful employee. Highly successful defines very good performance that exceeds expectations, but not to the extent that it would be considered rare or unusual. Outstanding performance far exceeds expectations. It represents a level of performance that is rare and unusual.

It is estimated that the following percentages would represent the Public Defender attorney workforce.

Overall Rating	Overall Rating of: Unsatisfactory	Successful	Highly Successful	Outstanding Performance
% of Workforce	15%	50%	20%	15%
Performance Adjustment	0%	2%	3%	4%

Pay for performance provide salary increases within an employee's assigned range. Pay for performance will assist in reducing the bottleneck at the beginning of each range. As an employee's work is evaluated, they can move up steps within their range based on their overall evaluation rating. This is not a substitute for repositioning, but rather should work with repositioning to assure fair and equitable salaries.

While recognizing that there will always be and should always be a certain amount of attorney turnover, there has to be a core group of career experienced public defenders, to train and mentor new attorneys and to provide representation in the most complex cases. In recognition of this need, we propose a new level of Assistant Public Defenders, APD V, restricted to a small percentage of outstanding performers.

Retention Crisis - Assistant Public Defenders I, II and III

Attorney Salary Increases—Over the last six years, MSPD has experienced the equivalent of 116.3% turnover in its attorney staff, averaging a 19.38% turnover each year. In FY2007, repositioning adjustments increases were given to MSPD attorneys to try to stem the flow, but the problem is far from solved. Staggering student debt makes it impossible for even those called to public interest work to work for MSPD, make their loan payments, and provide for themselves and their families. Many MSPD attorneys hold second jobs—delivering pizzas, working in retail, bartending, truck driving, etc.—trying to make ends meet. This reality makes it very hard to hold a group of employees who can walk into the private sector and make twice their MSPD salary.

The inability of the State Public Defender to recruit and retain attorneys compromises the quality of justice and efficiency of Missouri's criminal justice system.

The current attorney turnover rate is 18.03%. In addition to being unable to hire new graduates, experienced assistant public defenders at all levels are leaving the Department for the private sector and other better paying government attorney jobs, including jobs in prosecuting attorney offices.

Exit and employment interviews repeatedly reveal low pay and high caseloads as the reasons candidates do not choose to be employed, or remain employed, by the State Public Defender.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY06 cumulative backlog of more 28,168 cases is directly attributed to a shortage of experienced attorneys to handle them.

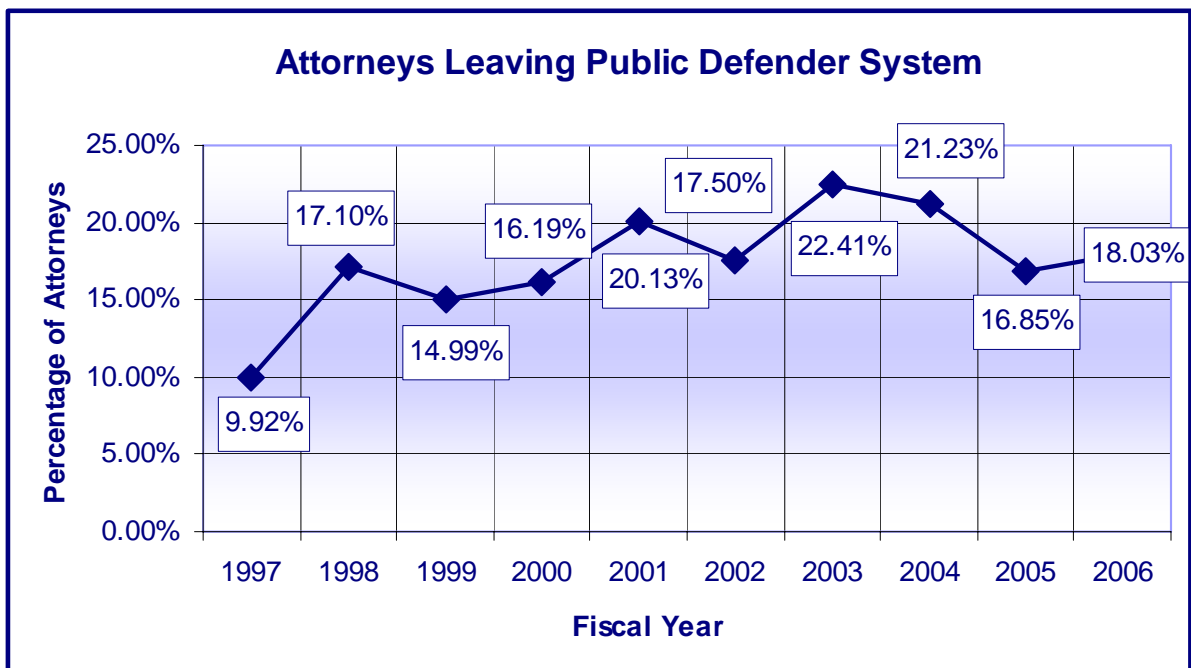
While it is still too early to tell, we are hopeful that the attorney repositioning adjustments funded in Fiscal Year 2007 will help decrease turnover. The adjustments made were critical to reducing the rate of turnover, but they were only the first step in solving a problem that has taken years to reach its current level.

To address the retention crisis, we are submitting alternative decision items, this one and a pilot pay for performance program designed to reward and retain a cadre of career public defenders.

This decision item will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

**Public Defender Caseload
Assigned vs. Disposed**

<i>Fiscal Year</i>	<i>Assigned</i>	<i>Disposed</i>	<i>Net Difference</i>
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
2004	88,916	86,356	2,560
2005	88,131	87,180	951
2006	88,532	83,260	5,272
	586,217	558,049	28,168

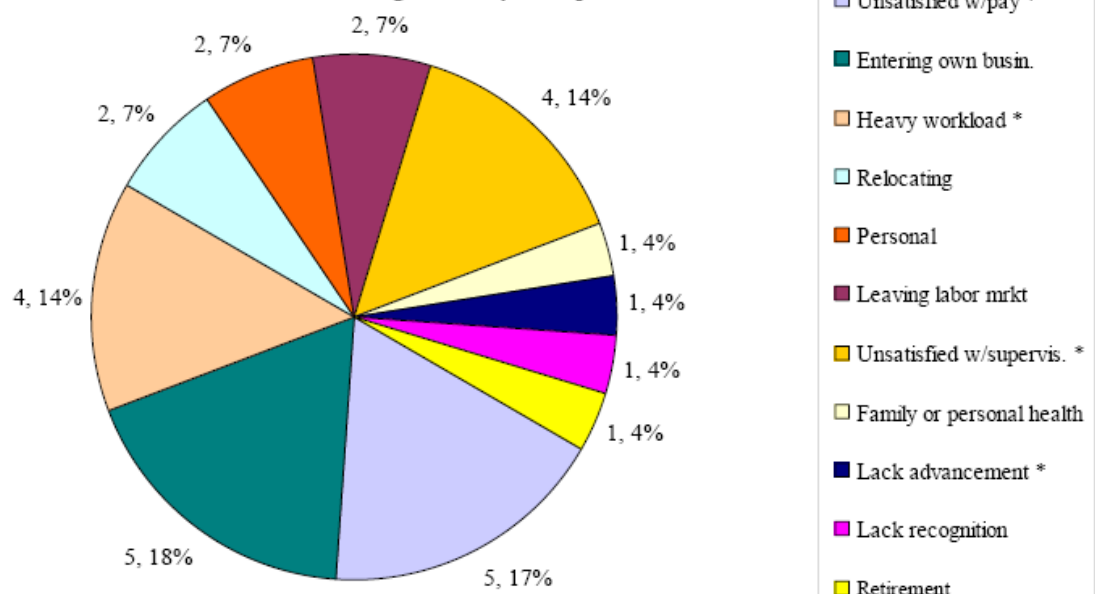


Cost of Attorney Turnover			
Class Code	Description	FY06 Salary Paid	Cost of Turnover
0400	Assistant Public Defenders	\$13,413,058	\$3,353,265
0460	District Defenders	\$2,710,418	\$677,605
			\$4,030,869

*Per the Personnel Advisory Board
Turnover Costs 25% of the Salary of the Positions

Attorney: Primary reason for leaving

Exit Interview Tracking: February 2005-present



* Approximately 49% of Attorneys leaving the Missouri State Public Defender System do so for reasons related to workload and salary.

In March 2006 at the Request of Senator Chuck Gross, the Personnel Advisory Board reviewed the salaries of the Missouri State Public Defender's Assistant Public Defenders. Included in the report was a comparison of these salaries with similar Public Defender salaries in other states. The salaries of Missouri's Public Defender's have been updated to reflect the Fiscal Year 2007 salary increases.

Assistant Public Defenders I, II, and III

Job Title	# of FTE	FY07 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
Assistant Public Defender I	32.00	\$35,148	\$38,400	\$3,252	\$104,064
Assistant Public Defender II	98.00	\$41,688	\$48,920	\$7,232	\$708,736
Assistant Public Defender III	72.00	\$46,284	\$53,717	\$7,433	\$535,176
	202.00				\$1,347,976

Attorney Salary Increases - Assistant Public Defenders IV's

The most experienced assistant public defenders, APD IVs, handle more and the most serious and complex cases. While not as great as the turnover in the middle and entry level assistant public defenders, the turnover rate is still unacceptable.

These are the lawyers who not only handle the most complex cases with the greatest consequences, they are also the mentors and trainers for the revolving door of new hires that join MSPD. The retention of experienced attorneys to fill that critical role will have a direct impact on the turnover rate of those less-experienced attorneys, many of whom cited the lack of mentoring or adequate supervision by experienced attorneys as they found themselves assigned to more and more complex matters as a key reason in their decision to leave state service.

In FY06, approximately 10% of all assistant public defender IVs left the Department. Just as these lawyers attain the experience and training the State Public Defender has to offer, they move on to private practice. Because these experienced, well-trained attorneys handle more and more serious cases, it is more efficient and cost effective to retain them.

While 100 percent retention is unlikely, moving these attorneys closer to their counterparts in other states will reduce the unacceptable loss rate.

This adjustment will also recognize the vital role Missouri's APD IVs play in Missouri's criminal justice system. Although they average over seven years of criminal law experience and handle nearly all Missouri's most difficult and complex cases, current APD IV salaries do not even match the average entry level salary of new Missouri lawyers in the private sector.

RECRUITMENT & RETENTION Assistant Public Defender IV'S					
Job Title	# of FTE	FY07 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
Assistant Public Defender IV	96.50	\$60,991	\$64,096	\$3,105	\$299,633
	96.50				\$299,633

Attorney Salary Increases - District Defenders

Pursuant to RSMo. 600.021.2, Public Defenders “*shall not otherwise engage in the practice of law*”. Neither Chapter 600 nor Public Defender Commission rule allows public defenders to maintain a private law practice.

In contrast, many prosecuting attorneys are allowed a private, civil practice, pursuant to RSMo. 56.360. (A private law practice is not allowed for full-time prosecutors, such as when the position is made full-time pursuant to RSMo. 56.363.)

A full-time prosecutor is responsible for the prosecution and overall supervision of the prosecutor’s office staff in their respective county. The full-time prosecutor’s equivalent, the District Defender, is responsible for indigent defense services, and overall supervision of the office staff for the district; usually a multi-county jurisdiction.

Prosecuting attorneys are compensated in accordance with RSMo. 56.265. Pursuant to RSMo. 56.265.1(1), a full-time prosecutor “*shall receive compensation equal to the compensation of an associate circuit judge*”. Each 1st class county has a full-time prosecutor. More and more third and fourth class counties are electing to have full-time prosecutors.

The compensation of persons appointed District Defenders is fixed by the State Public Defender Commission, in accordance with RSMo. 600.021.3. However, the Commission has not been funded to bring District Defender salaries in line with their full-time prosecution counterparts.

This decision item will fund District Defender salaries, making them equal to that of a full-time prosecutor.

Assistant District Defender & District Defender Recruitment and Retention

Assistant District Defender & District Defender					
Job Title	# of	FY07	Proposed	Annual	Cost of
	FTE	Salary	Salary	Increase	Adjustment
Assistant District Defender	5.00	\$65,743	\$80,000	\$14,257	\$71,285
District Defender	46.00	\$67,548	\$96,000	\$28,452	\$1,308,792
	51.00				\$1,380,077

Caseload Increase—Trial Division—

Legal Assistant, Alternative Sentencing Specialists Alternative

In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

Since 1990, the caseload of the trial division of the public defender system has grown rapidly due to a number of reasons: legislation enacting new crimes and increased penalties on existing crimes, aggressive prosecution, the number of counties moving to full time prosecutors, drug cases, etc.

There is a decision item pending to fund the required 102 attorneys necessary to provide effective representation to existing caseload. This decision item would provide an alternative to hiring some of the 102 attorneys.

Many cases are administrative matters that can be worked up and partially handled by supervised legal assistants and paralegals. In addition, many cases consist mainly of sentencing negotiations and a search for alternatives to incarceration. This task could be more economically handled by alternative sentencing specialists. The additional staff would not eliminate the need for attorneys, but the number of attorneys could be reduced by some percentage. Examples of these cases include traffic, criminal non-support, passing bad checks, failure to return rental property and some first time offenses. In Fiscal Year 2006 the Trial Division provided representation in 19,845 of these cases.

Using the same National Advisory Commission on Criminal Justice Standards (NAC) for support staff as for attorneys, support staff could manage 400 Misdemeanors cases per staff person per year. The result is 49 additional legal assistants, paralegal investigators and alternative sentencing specialists. The ratio would be 1 paralegal investigator to every 3 legal assistants.

This option would save the cost of some of the attorney salaries vs. the cost of support staff.

Cases Prepared by Legal Assistants	
Charge	FY06 Caseload
Failure to Register	301
Failure to Display Valid Plates	211
Displaying Plates of Another	141
Operating w/o a Valid License	641
Driving while Suspended or Revoked	6,529
Failure to Provide Proof of Insurance	76
Operating w/o Proof of Financial Responsibility	597
Speeding	402
Careless and Imprudent Driving	349
Failure to Drive on Right Side of Road	300
Seat Belt Violation	120
Other Traffic	632
Criminal Non-Support	4,204
Passing Bad Checks	5,101
Failure to Return Rental Property	241
Total FY06 Administrative Caseload	19,845

**CURRENT MSPD SUPPORT STAFF RATIOS
TRIAL DIVISION STAFF TO ATTORNEY RATIO**

Our current Trial Division support staff to attorney ratio statewide is as follows:

- ♦ 1 investigator / paralegal for every 6.2 attorneys
- ♦ 1 secretary for every 4.8 attorneys
- ♦ 1 legal assistant for every 10.25 attorneys
- ♦ 1 paralegal for every 16.7 attorneys
- ♦ 1 alternative sentencing specialist for every 46.35 attorneys

This is a statewide *average* and not a reality in every office. Since every office requires at least one secretary even if it only has 2-3 attorneys, other offices make do with 1 secretary and 1 investigator for as many as 8 attorneys and no alternative sentencing specialist. Fifteen of our Trial Division offices do not have any legal assistants and only 4 have a paralegal position.

TRIAL DIVISION STAFF TO CASELOAD RATIO

In the Trial Division, staff to caseload may actually be a better measure of true need than staff to attorney positions. Using that measure, in FY06 the Trial Division had:

- ♦ 1 investigator / paralegal for every 1,837 cases
- ♦ 1 secretary for every 1,421 case files
- ♦ 1 legal assistant for every 3,030 cases
- ♦ 1 paralegal for every 21,592 cases
- ♦ 1 alternative sentencing specialist for every 10,160 cases

Again, this is a statewide *average* and not a reality in every office. Using the FY06 299 cases per year per attorney average, in those offices which have only one secretary and one investigator for 8 attorneys, that investigator is responsible for investigating 2,392 cases annually while the secretary is responsible for providing all clerical and phone support for the same number of cases and clients.

Legal Assistant Alternative

Personal Service

24.50 Legal Assistants at Range 15 - \$24,456 per year	\$599,172
12.25 Alternative Sentencing Specialists at Range 23 - \$32,652 per year	\$399,987
12.25 Paralegal/Investigator at Range 18 - \$26,964 per year	<u>\$330,309</u>
Total Personal Service	\$1,329,468

Expense & Equipment

One-time Purchases

Legal Assistants 25 * \$4,865	\$121,625
Alternative Sentencing Specialists 13 * \$4,865	\$63,245
Paralegal/Investigator Package 13 * \$4,865	<u>\$63,245</u>
Total One-Time Purchases	\$248,115

On-Going Costs

Paralegal/Investigators & Legal Assistants & Alternative Sentencing Specialists 49 * \$9,275	<u>\$454,475</u>
Total Personnel Related On-Going Costs	\$454,475

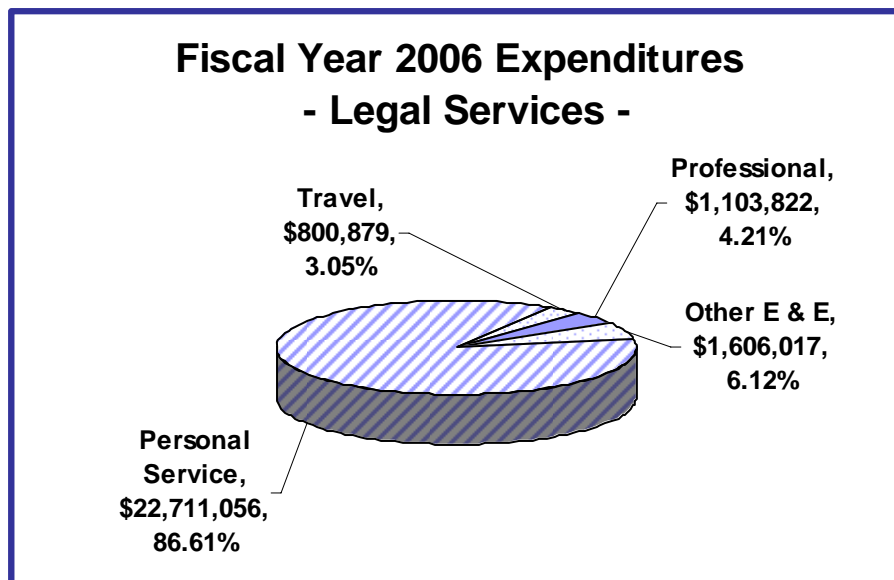
Total Expense and Equipment	<u>\$702,590</u>
Total Decision Item Request	\$2,032,058

Restoration of Public Defender Expense & Equipment Core

SHORTAGE OF EXPENSE & EQUIPMENT FUNDS:

MSPD's Legal Services E&E budget was cut by \$2,487,400 in Fiscal Year 2004 when state funds as a whole were in such short supply. That core has never been restored. In the meantime, case expenses have increased with the increase in caseload, multiplied by the fact that most of the increase is in rural areas. This brings a corresponding increase in travel as our attorneys drive to cover caseloads that stretch across multiple counties. Last year, MSPD Trial Division employees drove 1.9 million miles. Increases in mileage reimbursement rates on top of the increased number of miles, is just one of the reasons MSPD's budget has been stretched to the breaking point. Despite numerous cost-cutting measures, MSPD still wound up out of funds before the end of the fiscal year 2006 and had to hold invoices until FY07 funds became available to cover them.

Increased Cost of Mileage from a Reduced Budget				
Fiscal Year	Mileage Rate	Miles Traveled	MSPD Cost	
2004	0.330	1,761,892	\$581,424	
2005	0.345	1,931,003	\$666,196	\$84,772
2006	0.375	2,497,254	\$936,470	\$270,274
2007	0.415	2,996,705	\$1,243,632	\$307,162
				\$662,208



Excessive Caseload Appropriation

CASELOAD CRISIS: As previously stated in other caseload increase decision items, MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, MSPD is operating in crisis mode and “the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day.”

Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

In the event that no additional assistant public defenders are allocated to the Missouri State Public Defender, it is critical that the department has a built in relief valve. If the caseload crisis continues, MSPD MUST have funding available to assign the overload to private counsel willing to provide representation.

In July 2005, the Public Defender Commission recognized that high caseloads are a continuing concern and that there are too many cases and too few staff to handle them without compromising the attorney’s ability to provide ethical, competent representation as benchmarked by the Public Defender Guidelines for Representation and similar national standards.

The Commission further stated that when an office exceeds 235 cases annually per attorney the office will be reviewed for corrective actions. One of the corrective actions would be to assign the “overload” to private counsel.

The Trial Division of the Missouri State Public Defender is staffed at a level to provide representation for 65,700 cases. (292 attorneys * 225 NAC standard for a mixed caseload = 65,700) This means in FY2006 there was a potential to assign out 20,668 cases. (86,368 actual cases assigned to the Trial Division in FY2006—67,500 = 20,668) If the average cost of an assignment were just \$500 the total cost of this decision item would be \$10,334,000.

Student Loan Relief

There is a recruitment crisis as to assistant public defenders in the State of Missouri. Because of the inability to recruit new assistant public defenders, new positions created because of expanding caseloads, as well as vacant positions created by turnover, remain unfilled for extended periods of time. Vacant positions, particularly in rural public defender offices often remain open for periods of six months or more.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY06 cumulative backlog of more 28,168 cases is directly attributed to a shortage of experienced attorneys to handle them.

Public Defender Caseload Assigned vs. Disposed

<i>Fiscal Year</i>	<i>Assigned</i>	<i>Disposed</i>	<i>Net Difference</i>
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
2004	88,916	86,356	2,560
2005	88,131	87,180	951
2006	88,532	83,260	5,272
	586,217	558,049	28,168

Through turnover, the Office of the State Public Defender has openings for approximately 60 attorneys each year. However, often these openings remain unfilled for a period of time because of the inability to recruit. Most new attorneys hired by the Office of State Public Defender are recent law school graduates. Nearly all those graduates have considerable student loan debt upon graduation. A recent survey indicates most law school graduates hired by the State Public Defender have law school debt of \$50,000 - \$100,000. Approximately five percent had debt in excess of \$100,000. Interviews with prospective candidates indicate that, although some students would prefer public service as public defenders, they simply cannot afford to with the entry level salary and the heavy student loan debt.

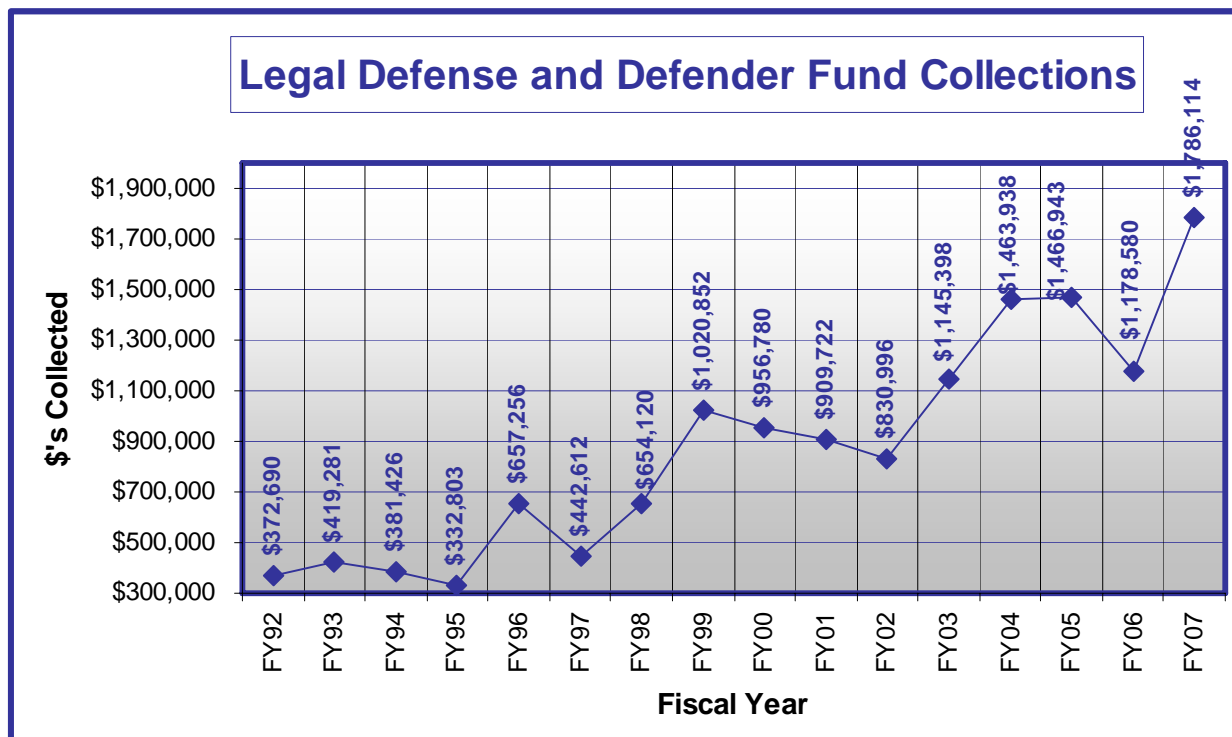
Assistant public defenders with at least \$300 per month in student loan debt would receive up to \$300.00 per month during their service as assistant public defenders, so long as they perform satisfactorily as public defenders and are not in default on any student loan debt. Increased recruitment and reduced vacancies will speed the disposition of criminal cases and increase the public defender caseload disposition rate.

60% of 346.50 attorneys = 208 attorneys * \$300 per month * 12 months

\$748,440

Increase Legal Defense and Defender Fund Expenditures— Supplemental and Continuation into FY2008

The Legal Defense & Defender Fund, made up of money collected from clients in return for services, mostly paid through the debt offset program, has a current expense and equipment appropriation ceiling of \$1,850,756. MSPD would like this appropriation increased (or estimated) to allow MSPD to make use of all funds collected under the program. This fiscal year the appropriation will pay for all of MSPD's computers and computer networking lines, large equipment purchases such as copy machines, our Westlaw contract, all of MSPD's training, MO Bar dues for our attorneys, etc.



As the laws continue to change—training for the public defender staff becomes more critical. Training of all employees within the State public Defender System is an important part of the continued success of the system.

The funds collected from the indigent accused and deposited in the Legal Defense and Defender Fund are used at the discretion of the director for the operation of the department, including training and the one time purchase of services and equipment.

This decision item will increase the ceiling of the expense and equipment appropriation. As collections increase the ceiling must rise to allow the State Public Defender to expend the funds collected.

Increased Legal Defense and Defender Fund

Travel, In-State	\$170,500
Travel, Out-of-State	\$60,500
Supplies	\$62,500
Professional Development	\$63,000
Communications Service & Supplies	\$1,000
Professional Services	\$75,500
Computer Equipment	\$352,500
Office Equipment	\$125,000
Equipment Lease	\$8,500
Miscellaneous	\$81,000
	\$1,000,000

Legislative Recommendations

Office Space Requirements

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

Disputes have not only concerned whether or not office space will be provided at all, they have included where and what space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. Most of our offices serve multiple counties. It is a logistical nightmare to have to get multiple commissioners in multiple counties to sign off on every change to a lease involving one of our offices (including no less than 33 commissioners in our Chillicothe office, which covers 11 counties!). A number of counties refuse to provide or pay for additional space to accommodate growing defender staff, a problem that will greatly multiply if additional staffing is forthcoming in this legislative session. While MSPD has not received any additional staffing for the past 6 years, we do move positions among offices based upon growing / dropping caseload.

Some of the results:

- ♦ Attorneys doubled up in offices, making a confidential client meeting impossible;
- ♦ Attorneys literally setting up an office in the telephone / computer server closet, as well as taking over all public space in the office -break room, conference room, library - so that these generally standard areas in a law office are no longer available anywhere within the office;
- ♦ Having to install locks on all filing cabinets and moving them into a public hallway to free up space for staff to squeeze in another desk;
- ♦ MSPD picking up the difference in the rent for additional essential space in a few situations despite a lack of funding for that purpose.
- ♦ Counties fight with MSPD and among themselves when more than one county covered by an office has available 'free' county space and doesn't want to contribute cash to another county instead. These disputes have escalated to lawsuits between counties on at least one occasion.
- ♦ Some counties flatly refusing to pay any rent for an office not located in their county, with the result that MSPD must pick up their portion of the lease cost, despite a lack of funding for this purpose. There is a provision for the state to intercept prisoner per diem reimbursement costs to cover unpaid county liabilities for public defender office space. MSPD tried to invoke this at one point in the past, but was asked by the then gubernatorial administration to forego the remedy because of the hostility being caused between the state and the counties as a result of the intercept.
- ♦ Receiving an eviction notice because six counties refused to pay, between them, a total increase of \$48.67 per month imposed by the landlord. To prevent the eviction, MSPD agreed to pay the difference.
- ♦ Some counties provide space that is in very poor shape and unfit for a law office. We have been placed in office space where the ceiling tiles were crumbling onto the attorneys' desks, where the 'closed file room' was a basement with a dirt floor that turned to mud with every rain, in offices with asbestos, cockroaches, and termite infestations. Such unsuitable and difficult working conditions undoubtedly contribute to our turnover, as well as to reduced productivity, yet MSPD's hands are tied.
- ♦ The State picks up parking expenses for all of its employees working in areas where free parking is not available at their office space - all but its public defenders. The governor's veto of parking funds for public defenders this past session posited that parking costs were the responsibility of the counties who provided the office space. The counties say it is not their responsibility and refuse to pay it. The state's public defenders are left forking over \$75 a month to pay for parking while the judges making three times their salary have their parking paid.

The State Public Defender is not interested in securing fancy, luxurious offices. Its interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

Most Public Defender districts are multi-county. Since the current statute requires each county to pay their pro rata share, inter-county cooperation is essential. It is not always forthcoming.

Although establishment of Public Defender offices is the authority of the State Public Defender Commission, (RSMo. 600.023), counties have sought to provide office space at the location of their choice; typically their own county. They have refused to pay their pro rata share to the host county when they are unhappy with the office location. On at least one occasion, these county disputes have risen to the point of lawsuits being filed.

The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. The caseload projections for fiscal year 2008 exceed 99,000. Moreover, a three year trend shows public defender caseload is decreasing in city offices, while it is up sharply in nearly all multi-county districts. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed, where needed.

The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

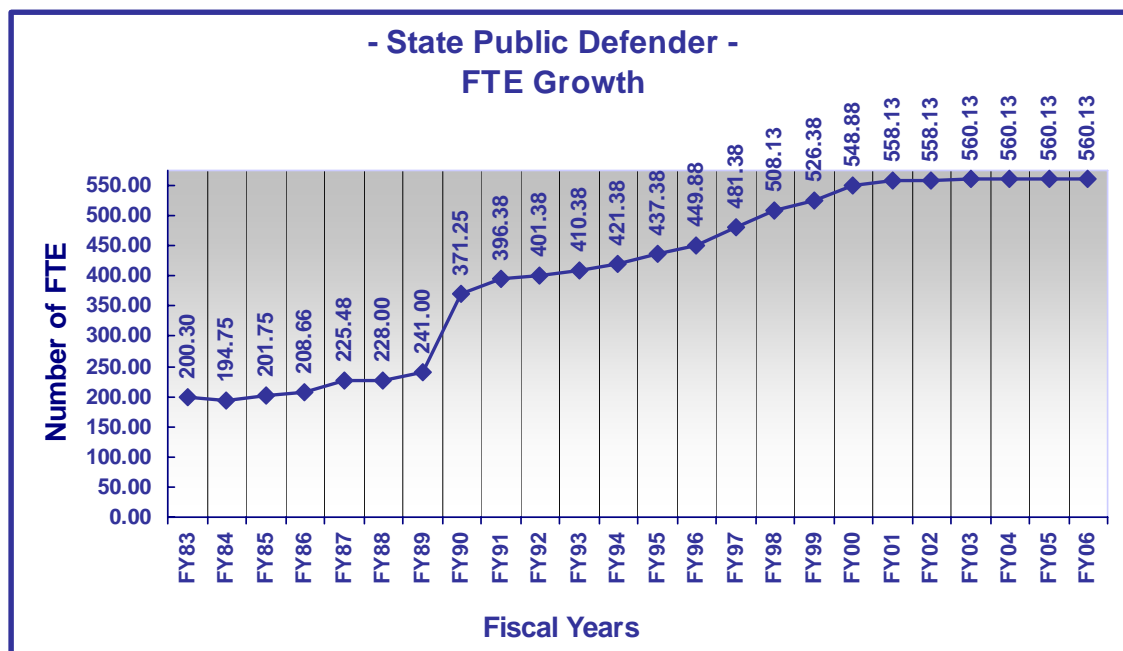
The Office of the State Public Defender currently has 179 employees located in metropolitan areas where they are required to pay for their own parking. During the last legislative session, the Senate Appropriations Committee added an amount of money to cover this expense to our employees. The Conference Committee agreed, but the funding was again vetoed by the Governor stating that under Section 600.040.1, RSMo these expenses are the responsibility of the participating counties.

We are asking that this decision item be reconsidered since the state currently pays for parking for judges and other judicial employees who, like public defenders, are state employees but work in facilities that are provided by the county. Public defenders are the ONLY state employees who have to pay their own parking, a situation that is markedly unfair when others employed by the same state government who work just down the hall in the same courthouse have their parking paid for them.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

Fiscal Year	Number of FTE	Fiscal Year	Number of FTE
FY83	200.30	FY96	449.88
FY84	194.75	FY97	481.38
FY85	201.75	FY98	508.13
FY86	208.66	FY99	526.38
FY87	225.48	FY00	548.88
FY88	228.00	FY01	558.13
FY89	241.00	FY02	558.13
FY90	371.25	FY03	560.13
FY91	396.38	FY04	560.13
FY92	401.38	FY05	560.13
FY93	410.38	FY06	560.13
FY94	421.38	FY07	560.13
FY95	437.38		



MISSOURI STATE PUBLIC DEFENDER SYSTEM

DIRECTOR, DEPUTY DIRECTOR & DIVISION DIRECTORS

J. Marty Robinson, Director
Kathleen L. Lear, Comptroller
231 E. Capitol Avenue
Jefferson City, MO 65101
573-526-5210 FAX: 573-526-5213

Dan Gralike, Deputy Director Litigation Services
Peter Sterling Trial Division Director
Greg Mermelstein, Appellate Division Director
3402 Buttonwood
Columbia, MO 65201
573-882-9855 FAX: 573-875-2594

Karen Kraft, Capital Litigation Div. Director
Cathy Kelly, Deputy Director for Training
and Communications
Ellen Blau, Deputy Trial Division Director
1000 St. Louis Union Station
Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-340-7666

TRIAL DIVISION OFFICES

Area 1 - Juvenile Advocacy - St. Louis
City, St. Louis County
Sarah Lambright, District Defender
1114 Market Street, Suite 506
St. Louis, MO 63101
314-340-7525 FAX: 314-421-0829

Area 2 -- Adair, Knox, Schuyler,
Scotland Counties
Kevin Locke, District Defender
705 E. LaHarpe, Suite C
Kirksville, MO 63501
660-785-2445 FAX: 660-785-2449

Area 4 -- Andrew, Atchison, Gentry, Holt,
Nodaway, Worth Counties
Jeff Stephens, District Defender
Northside Mall
115 East Fourth Street, Suite 5
Maryville, MO 64468
660-582-3545 FAX: 660-562-3398

Area 5 -- Buchanan County
Michelle Davidson, District Defender
120 South 5th Street, 2nd Floor
St. Joseph, MO 64501
816-387-2026 FAX: 816-387-2786

Area 6 - Juvenile Advocacy
- Jackson County
Mary Bellm, District Defender
501 East 27th Street
Kansas City, MO 64108
816-881-6578 FAX: 816-881-6563

Area 7 - Clay, Clinton, Platte Counties
Anthony Cardarella, District Defender
234 West Shrader
Liberty, Missouri 64068
816-792-5394 FAX: 816-792-8267

Area 10 -- Clark, Lewis, Marion, Monroe,
Ralls, Shelby Counties
Todd Schulze, District Defender
109 Virginia, Suite 300
Hannibal, MO 63401
573-248-2430 FAX: 573-248-2432

Area 11 -- St. Charles, Warren Counties
Richard Scheibe, District Defender
300 N. Second Street, Suite 264
St. Charles, MO 63301
636-949-7300 FAX: 636-949-7301

Area 12 -- Audrain, Callaway,
Montgomery Counties
Justin Carver, District Defender
500 Market Street
Fulton, MO 65251
573-592-4155 FAX: 573-642-9528

Area 13 -- Boone County
Kevin O'Brien, District Defender
601 E. Walnut
Columbia, MO 65201
573-882-9701 FAX: 573-882-9147

MISSOURI STATE PUBLIC DEFENDER SYSTEM

Area 14 -- Chariton, Howard, Linn,
Macon, Randolph Counties
Ray Legg, District Defender
3029 County Road 1325
Moberly, MO 65270
660-263-7665 FAX: 660-263-2479

Area 15 -- Cooper, Lafayette, Pettis,
Saline Counties
Kathleen Brown, District Defender
110 S. Limit
Sedalia, MO 65301
660-530-5550 FAX: 660-530-5545

Area 16 -- Jackson County
Joel Elmer, District Defender
Oak Tower, 20th Floor
324 E. 11th Street
Kansas City, MO 64106-2417
816-889-2099 FAX: 816-889-2999

Area 17 -- Bates, Cass, Henry,
Johnson, St. Clair Counties
Jeffrey Martin, District Defender
1300 Locust Street, Suite A
Harrisonville, MO 64701
816-380-3160 FAX: 816-380-7844

Area 19 -- Cole, Osage Counties
Jan King, District Defender
210 Adams Street
Jefferson City, MO 65101
573-526-3266 FAX: 573-526-1115

Area 20 -- Franklin,
Gasconade Counties
Lisa Preddy, District Defender
4-B S. Church Street
Union, MO 63084
636-583-5197 FAX: 636-583-1740

Area 21 -- St. Louis County
Nanci McCarthy, District Defender
100 S. Central, 2nd Floor
Clayton, MO 63105
314-615-4778 FAX: 314-615-0128

Area 22 -- St. Louis City
Eric Affholter, District Defender
Mel Carnahan Courthouse
1114 Market Street, Suite 602
St. Louis, MO 63101
314-340-7625 FAX: 314-340-7595

Area 23 -- Jefferson County
Tony Manansala, District Defender
P.O. Box 156
300 Main Street
Hillsboro, Missouri 63050
636-789-5254 FAX: 636-789-5267

Area 24 -- Iron, Madison, Reynolds,
St. Francois, Ste. Genevieve,
Washington Counties
Wayne Williams, District Defender
Liberty Hall Professional Building
400 N. Washington Street, Suite #232
Farmington, MO 63640
573-218-7080 FAX: 573-218-7082

Area 25 -- Crawford, Dent, Maries,
Phelps, Pulaski, Texas Counties
Jahnel Lewis, District Defender
1212-A Hwy. 72 East, Suite 4
Rolla, MO 65401
573-368-2260 FAX: 573-364-7976

Area 26 -- Camden, Laclede, Miller,
Moniteau, Morgan Counties
James Wilson, District Defender
288 Harwood
Lebanon, MO 65536
417-532-6886 FAX: 417-532-6894

Area 28 -- Barton, Cedar, Dade,
Vernon Counties
Joe Zuzul, District Defender
121 W. Cherry
Nevada, MO 64772
417-448-1140 FAX: 417-448-1143

Area 29 -- Jasper, McDonald,
Newton Counties
Darren Wallace, District Defender
115 Lincoln Street
Carthage, MO 64836
417-359-8489 FAX: 417-359-8490

MISSOURI STATE PUBLIC DEFENDER SYSTEM

Area 30 -- Benton, Dallas, Hickory,
Polk, Webster Counties
Dewayne Perry, District Defender
800 East Aldrich Road
Suite E
Bolivar, Missouri 65613
417-777-8544 FAX: 417-777-3082

Area 31 -- Christian, Greene,
Taney Counties
Rodney Hackathorn, District Defender
630 North Robberson
Springfield, MO 65806
417-895-6740 FAX: 417-895-6780

Area 32 -- Bollinger, Cape Girardeau,
Mississippi, Perry, Scott Counties
Christopher Davis, District Defender
215 North High Street
Jackson, MO 63755
573-243-3949 FAX: 573-243-1613

Area 34 -- New Madrid,
Pemiscot Counties
Amy Skrien, District Defender
407 Walker Avenue
Caruthersville, MO 63830
573-333-4066 FAX: 573-333-0756

Area 35 -- Dunklin, Stoddard Counties
Catherine Rice, District Defender
P.O. Box 648
101 S. Main
Kennett, MO 63857
573-888-0604 FAX: 573-888-0614

Area 36 -- Butler, Carter, Ripley,
Wayne Counties
Jerry Montgomery, District Defender
218 North Broadway
Poplar Bluff, MO 63901
573-840-9775 FAX: 573-840-9773

Area 37 -- Howell, Oregon,
Shannon Counties
Donna Anthony, District Defender
1314 Webster Street
West Plains, MO 65775
417-257-7224 FAX: 417-257-7692

Area 39 -- Barry, Lawrence,
Stone Counties
Victor Head, District Defender
P.O. Box 685
305 Dairy
Monett, MO 65708-0685
417-235-8828 FAX: 417-235-5140

Area 43 -- Caldwell, Carroll, Daviess, DeKalb,
Grundy, Harrison, Livingston, Mercer,
Putnam, Ray, Sullivan Counties
David Miller, District Defender
500 Youssef
Chillicothe, MO 64601
660-646-3343 FAX: 660-646-4228

Area 44 -- Douglas, Ozark,
Wright Counties
Linda McKinney, District Defender
P.O. Box 951
202 NW 11th Avenue
Ava, MO 65608
417-683-5418 FAX: 417-683-5820

Area 45 -- Lincoln, Pike Counties
Thomas Gabel, District Defender
240 West College
Troy, MO 63379
636-528-5084 FAX: 636-528-5086

ALTERNATIVE SENTENCING

Central District -- Boone County
Rick Baker, Director,
Carrie Finley, Alternative Sentencing Specialist
3402 Buttonwood
Columbia, MO 65201-3722
573-882-9855 FAX: 573-882-9740

St. Louis City
Debra Berry-Rose, Alternative Sent. Specialist
Christina Linden, Alternative Sent. Specialist
1114 Market Street, Suite 506
St. Louis, MO 63101
314-340-7525 FAX: 314-421-0829

St. Louis County
William Furch, Alternative Sent. Specialist
100 S. Central 2nd Floor
Clayton, MO 63105
314-615-4778 FAX: 314-615-0128

MISSOURI STATE PUBLIC DEFENDER SYSTEM

St. Charles

Chris May, Alternative Sentencing Specialist
300 N. Second Street, Suite 264
St. Charles, MO 63301
636-949-7300 FAX: 636-949-7301

Southwest District -- Greene County

Joan Burke-Kelly, Alternative Sent. Specialist
Sherry Rawson, Alternative Sent. Specialist
630 North Robberson
Springfield, MO 65806
417-895-6740 FAX: 417-895-6780

Western District - Jackson County

Gregory Lovelace, Alternative Sent. Specialist
Oak Tower, 20th Floor
324 E. 11th Street
Kansas City, MO 64106-2417
816-889-2099 FAX: 816-889-2999

COMMITMENT DEFENSE UNIT

Tim Burdick, District Defender
Jim Griffin, Attorney
Oak Tower, 20th Floor
324 E. 11th Street
Kansas City, MO 64106-2417
816-889-2099 Fax: 816-889-2999

Steve Lewis, Attorney
Michelle Monahan, Attorney
100 South Central, 2nd Floor
Clayton, MO 63105
314-615-4778 FAX: 314-615-0128

APPELLATE/PCR DIVISION

Appellate Central District

Ellen Flottman, District Defender
3402 Buttonwood
Columbia, MO 65201-3722
573-882-9855 FAX: 573-875-2594

PCR Central District

Steve Harris, District Defender
3402 Buttonwood
Columbia, MO 65201-3722
573-882-9855 FAX: 573-882-9468

Appellate/PCR Eastern District (A)

Scott Thompson, District Defender
1000 St. Louis Union Station-Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-340-7685

Appellate/PCR Eastern District (B)

Renee Robinson, District Defender
1000 St. Louis Union Station-Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-421-7685

Appellate/PCR Western District (A)

Susan Hogan, District Defender
818 Grand, Suite #200
Kansas City, MO 64106
816-889-7699 FAX: 816-889-2088

Appellate/PCR Western District (B)

Ruth Sanders, District Defender
818 Grand, Suite #200
Kansas City, MO 64106-2865
816-889-7699 FAX: 816-889-2088

CAPITAL LITIGATION DIVISION

Central District

Janice Zembles, District Defender
3402 Buttonwood
Columbia, MO 65201-3722
573-882-9855 FAX: 573-884-4921

Eastern District

Robert Wolfrum, District Defender
1000 St. Louis Union Station-Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-340-7666

Western District

Thomas Jacquinet, District Defender
818 Grand, Suite #200
Kansas City, MO 64106
816-889-7699 FAX: 816-889-2088

MISSOURI STATE PUBLIC DEFENDER COMMISSION

Loramel P. Shurtleff, Chair
Attorney at Law
25 N. 9th Street
Columbia, MO 65201
PHONE: 573-449-3874
FAX: 573-875-5055

Eric Barnhart
818 Lafayette Ave.
St. Louis, MO 63104
PHONE: (314) 231-0777
FAX (314) 231-3704

Muriel Brison
5945 Old Zero Road
Berger, MO 63014
PHONE: 573-486-2152

Reverend Willie J. Ellis
5939 Goodfellow
St. Louis, MO 63147
PHONE: 314-381-5730

Kenneth Hensley
Attorney at Law
P.O. Box 614
405 West 58 Highway
Raymore, MO 64083
PHONE: 816-322-4466
FAX: 816-322-3379 (call first)

Miller Leonard
403 NW Englewood
Gladstone, MO 64118
PHONE: 816-452-6030

Rebecca Stith
Attorney at Law
3718 Wyoming Street
St. Louis, MO 63116
(314) 539-7917
FAX (314) 539-7895

[Missouri State Public Defender System](#)

J. Marty Robinson, Director
State Public Defender
231 E. Capitol Avenue
Jefferson City, MO 65101
PHONE: 573-526-5210
FAX: 573-526-5213

Missouri State Public Defender Web Site

<http://www.publicdefender.mo.gov>